

ECO-TERRORISM AND LAWLESS- NESS ON THE NATIONAL FORESTS

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FORESTS AND
FOREST HEALTH

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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OVERSIGHT HEARING ON ECO-TERRORISM AND LAWLESSNESS ON THE NATIONAL FORESTS

**Tuesday, February 12, 2002
U.S. House of Representatives
Subcommittee on Forests and Forest Health
Committee on Resources
Washington, D.C.**

The Subcommittee met, pursuant to notice, at 3:04 p.m., in room 1324, Longworth House Office Building, Hon. Scott McInnis, [Chairman of the Subcommittee], presiding.

STATEMENT OF THE HON. SCOTT McINNIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. McINNIS. The Committee will come to order. Subcommittee on Forests and Forest Health is now in order. Under Committee Rule 4(g) the Chairman and ranking member can make opening statements. In addition, we are recognizing the ranking member of the whole Committee, and obviously, the Chairman of the whole Committee, for statements as well. If any other members of the Committee have statements, they can be included in the hearing record under unanimous consent. I will begin with my opening remarks.

Today the Subcommittee on Forests and Forest Health is conducting a hearing to explore the growing threat of eco-terrorism and lawlessness on our national forests. The hearing's principal focus will be on the violent and increasingly frequent attacks of environmental terrorist groups like the Earth Liberation Front and the Animal Liberation Front. However, we will also hear from a panel of witnesses focusing on the very real problem of timber theft and intimidation of Federal land managers on national forests.

It is the opinion of the Chair of this Subcommittee that terrorism, no matter for what message, is unacceptable. It is not the proper way to send a message. Some may try and argue that one set of issues speaking of the environmental set or the timber theft is more important than the other. But the fact is both sets of issues are very serious and both merit the examination of this Subcommittee. I look forward to the important dialogue we are going to have today.

For the better part of a decade ELF and ALF and other rogue elements in the environmental movement have used brute force, intimidation and violence to promote an agenda that can only be described as radical. They attack Government buildings, homes, businesses and research labs with fire bombs, Molotov cocktails and timed-detonation devices. And I would urge any of you that would like, go ahead and take a look at the website. On the front of the web page it shows you how to use a detonation device. When it comes to the extensive violence on national forests, ELF's objective is as simple as it is unsettling, to create an overpowering aura of fear and anxiety that scares the American people off their forests or their right to use their forests.

Today, some 10 years and many million of dollars in destruction after its emergence, the Earth Liberation Front has partially succeeded in achieving that objective in some parts of the country. People who legitimately work, live and play in these wild places now have no choice but to look over their shoulder in fear of a shadowy terror group like ELF.

Colleagues, the individuals that make up these terror groups are not cut from the same fabric as the nature-loving hippies of my youth. It would be a serious mistake for anyone to dismiss these hard-liners as just misguided young people or trust-fund babies with nothing better to do. These people are hardened criminals. They are dangerous. They are well funded. They are savvy, sophisticated and stealthy. And if their violence continues to escalate, it is only a matter of time before their parade of terror results in loss of human life.

I would like to take a moment to show a brief video clip that visually demonstrates the kind of violence that we are talking about.

[Video clip shown about the Earth Liberation Front.]

Mr. MCINNIS. What is ominous for the ELF's and ALF's of this world is the fact that every mainstream environmental organization I contacted in conjunction with this hearing, groups like the National Wildlife Federation, the Natural Resources Defense Council, the Sierra Club, the Wilderness Society, and many others, publicly condemned the acts of militant environmental groups. These public statements make it clear that the Earth Liberation Front and other like-minded organizations are on an island all by themselves. ELF's self-styled Robin-Hood mystique is under assault from every direction, even from the individuals who have spent their lives promoting environmental protection and stewardship.

After the Vail fire in October 1998, a statement released by Craig Rosebraugh, then spokesman for ELF, who has been subpoenaed to testify here today, warned America that the, quote, "Elves were watching," unquote. Well, Mr. Rosebraugh, I can tell you that today, when it comes to ELF and ALF, the FBI is watching, state and local law enforcement is watching, Congress is watching, the mainstream environmental group is watching, and the public is now fully engaged in watching too.

It is with this that I would like to remind those in attendance that this is not the time or venue for outbursts or protests. I know that many of you are passionate about an issue before this panel today, but this Subcommittee, our witnesses and those in the audience, will observe proper decorum. Thank you.

[The prepared statement of Mr. McInnis follows:]

**Statement of The Honorable Scott McInnis, Chairman, Subcommittee on
Forests and Forest Health**

Today the Subcommittee on Forests and Forest Health is conducting a hearing to explore the growing threat of eco-terrorism and lawlessness on our National Forests. The hearing's principal focus will be on the violent and increasingly frequent attacks of environmental terrorist groups like the Earth Liberation Front and Animal Liberation Front. We will also hear from a panel of witnesses focusing on the very real problem of timber theft and the intimidation of federal land managers on the National Forests. Some may try to argue that one set of issues is more important than the other, but the fact is, both sets of issues are very serious and both merit the examination of this Subcommittee. I look forward to this important dialogue.

For the better part of a decade, ELF, ALF and other rogue elements in the environmental movement have used brute-force-intimidation and violence to promote an agenda that can only be described as radical. They attack government buildings and homes and businesses and research labs with firebombs, Molotov-cocktails and timed detonation devices. When it comes to their extensive violence on the national forests, ELF's objective is as simple as it is unsettling: to create an overpowering aura of fear and anxiety that scares the American people off of their forests.

Today, some 10 years and many millions of dollars in destruction after its emergence, the Earth Liberation Front has partially succeeded in achieving that objective in some parts of the country. People who legitimately work, live and play in these wild places now have no choice but to look over their shoulder in fear of shadowy terror groups like ELF.

Colleagues, the individuals that make-up these terror groups are not cut from the same fabric as the nature loving hippies of my youth. It would be a serious mistake for anyone to dismiss these hard-liners as just misguided college kids, or trust fund babies with nothing better to do. These people are hardened criminals. They are dangerous. They are well funded. They are savvy, sophisticated and stealth. And if their violence continues to escalate, it is only a matter of time before their parade of terror results in lost human life.

Up until the present, ELF's and ALF's campaign of terror has largely succeeded in avoiding the long arm of justice. Nearly every act of eco-terrorism committed in the last decade remains unsolved, and too often the trail leading to ELF and ALF has grown cold. If there is a message today for local, state and federal law enforcement, it is this: domestic environmental terrorism must continue to be a national priority. These cases need to be solved.

But while the perpetrators of eco-terrorist attacks have escaped justice more often than not, there are promising signs that the tide is beginning to turn, and the noose is beginning to tighten. Just yesterday, a man was sentenced to 18 years in prison for firebombing seven large homes under construction in the Phoenix area in 1999 and 2000. Earlier this year, two known members of the Animal Liberation Front were sentenced to prison terms after police officers caught them making a bomb in a parking lot after midnight. Last year, a man believed to be associated with ALF was sentenced to 22 years in prison for his role in firebombing a Eugene, Oregon car dealership.

For law enforcement, these are substantial accomplishments. For members of ELF and ALF still intent on terrorizing American communities, these long prison sentences provide an ominous warning of what happens when you get caught.

Just as ominous for the ELF's and ALF's of this world is the fact that every mainstream environmental organization I contacted in conjunction with this hearing—groups like the National Wildlife Federation, the Natural Resources Defense Council, the Sierra Club, the Wilderness Society and many others—publicly eschewed and condemned the tactics of militant environmental groups. These public statements make it clear that the Earth Liberation Front and other like-minded organizations are on an island all by themselves. ELF's self-styled Robin Hood mystique is under assault from every direction, even from individuals who have spent their lives promoting environmental protection and stewardship.

After the Vail fire in October 1998, a statement released by Craig Rosebraugh, then Spokesperson for ELF who has been subpoenaed to testify here today, warned America that the "Elves were watching." Well, Mr. Rosebraugh, I can tell you today that, when it comes to ELF and ALF, the FBI is watching, state and local law enforcement is watching, Congress is watching, the mainstream environmental movement is watching, and the public is now fully engaged and watching too.

It is with this that I would like to remind those in attendance that this is not the time or the venue for outbursts or protests. I know that many of you are passionate about the issue before this panel today, but this Subcommittee, our witnesses and those in the audience will observe proper decorum. Those who feel compelled to disrupt today's proceeding will be immediately removed.

Thank you.

Mr. MCINNIS. I now recognize the gentleman from Washington, Mr. Inslee.

Mr. INSLEE. Thank you, Mr. Chair. First I would ask unanimous consent to include in the record the statement of Nick Rahall, if I may.

Mr. MCINNIS. Without objection.

Mr. INSLEE. Even better, we are going to have Mr. Rahall live, which is certainly a treat.

Mr. MCINNIS. You may proceed.

Mr. INSLEE. Thank you, Mr. Chair.

STATEMENT OF THE HON. JAY INSLEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. INSLEE. Mr. Chair, today we are going to hear about acts of violence from people all across the political spectrum, left to right, pro environment, those who are concerned about environmental protection. And they will come from various parts of the country and a very wide spectrum of political beliefs.

But each one of them involved in that violence will have one thing in common, and that is that they have decided to abandon democracy and embrace violence, and in that decision, they are all wrong. And I believe we have a bipartisan consensus today on that score and on that belief. And that I hope today that our ultimate goal is to recognize that all these sources of violence are equally culpable and it is equally important for us to find a way to stop it.

And the reason I say that, if you look at these two pictures up here—a picture that Mr. McInnis provided—in the back of the Oregon arson, showing destruction of a building. Then you look up here, and if you look at this picture of the bombed U.S. Forest Service office in Carson City, Nevada, apparently by someone who was disenchanted with the environmental action of the Forest Service, neither one of those can be distinguished as to the fact that they are both outrageous and unacceptable violence, because the victims of violence don't know any particular political philosophy.

So it is my hope that today we go through the gamut of violent acts from all sides of the political spectrum to decry them and to figure out how to stop them.

Now, let me address if I can, first what provoked Mr. McInnis holding this hearing, and that is some of the violence from those who believe that the U.S. Government is not doing enough to protect environmental quality. To them I would say there is a reason for frustration for Federal Government inaction on the environment. There is reason for frustration of the Federal Government abandoning its commitment to the Roadless Area policy, but it is not an excuse for violence. There is a reason for frustration for the U.S. Government failing to adopt meaningful environmental

standards in mining law, but it is not an excuse for violence. There is a reason for frustration for the administration attempting to roll back protections against arsenic and clean water, but it is not a reason for violence.

Where would we have been if Martin Luther King decided that violence was the answer rather than instructing and inflaming the moral indignation of the Nation? I don't think we would have been as far down the road to equality that we are.

And I would urge those who have been involved in that route hopefully to think about it, because I have been a person fighting here and a lot of other places to try to encourage environmental protection, and I can tell folks involved in that violence, it is not effective in our agenda, it is not effective in trying to protect our Federal forests. It is simply ineffective, and I hope that they will consider that.

But there is another type of violence from a different direction that is going on in our forests. We have something over about 200,000 acts of criminality and various incidents reported in the Forest Service a year, and they come from a variety of sources. But a significant number of those are from people who believe that the Federal Government should not be acting as vigorously as they do in protecting environmental standards, and we will talk about some of those.

We will hear from Gloria Flora, a ranger from the Humboldt-Toiyabe Forest, about what she had to go through when she was enforcing the law.

We will hear about the Santa Fe National Forest, where in May 2000, a law enforcement officer patrolling the Pecos Canyon during a fire restriction period, was dragged out of his car, beaten and viciously assaulted on the pavement by four men, who apparently believed that the Federal Government had no business protecting Federal Government property. The officer underwent 5 hours of surgery and was in intensive care for several days. We will hear about that violence.

We will hear about the Mark Twain National Forest, where on July 31st, 1997 a woman monitoring water quality was beaten and tied up, her van was smashed, by individuals posing as television crew. There are folks coming from a different angle, and we will hear about that nature of violence as well.

And we will also hear about an ongoing—I am looking for the right language to describe just a pattern of criminality of the repeated theft of America's trees. And this is really the soft underbelly of our Forest Service policy, and I think is a silent disease in our national forests. We talk about the pests in our national forests. We will be talking today about this incredible problem of timber theft, where last year folks stole 40 red cedars from the Olympic National Forest in the State of Washington, which is just one of perhaps up to \$100 million worth of theft of America's trees.

So, Mr. Chair, I appreciate your opening this Committee up to our broad work today, and look forward to people's testimony.

Mr. McINNIS. Mr. Rahall.

STATEMENT OF THE HON. NICK J. RAHALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA

Mr. RAHALL. Mr. Chairman, I first want to commend you for agreeing to expand the scope of this hearing to include what I view as two very real forms of terrorism. One is threats against employees of our Federal land management agencies, and the theft of our public resources, as the ranking member, Mr. Inslee, has just referred to, such as valuable timber from our National Forest System lands.

It is unfortunate, but it is true, that all too often American citizens who are serving their country as dedicated public servants working in the Forest Service, the BLM and National Park Service, and the Fish and Wildlife Service, have been subjected to harassment, intimidation and mental and physical abuse during the discharge of their duties. This has occurred primarily in the western states and it is often perpetrated by groups and individuals associated with radical right-wing causes.

We as lawmakers, and as a Nation, should do more to protect Federal employees who face hostile working conditions. This type of treatment of Federal land managers is certainly alien to the areas that I have the privilege of representing in the Congress.

For instance, in Fayette County in West Virginia, the superintendent of the National Park Service's New River Gorge National River once served as the president of the local chamber of commerce. He was that popular and respected in the community, as were all superintendents of that particular park unit. And this may come as a surprise to many of my western colleagues, but in Williamson, West Virginia the mayor presented the key of the city to BLM employees for their outstanding work on a project.

Certainly since 9-11 we have all gained a greater appreciation of the brave and selfless service provided to us all every day by our fire and police departments and by our National Guard. And I believe we need to have that same appreciation for those in the Departments of Interior and Agriculture, who on a daily basis are in the field on the front lines, so to speak, charged with upholding the laws of this land. And in fact, it is many of these same employees who are now also being called upon to help with homeland security.

As to the issue of theft of public resources, most of us have heard the old saying about not being able to see the forest for the trees. Well, these days this is because a good many of the trees are being stolen. The growth of illegal tree cutting in our national forests warrants a sustained and forceful response. Recently, vandals felled more than 40 old-growth red cedars in Washington's Olympic National Forest. They did this to support their drug abuse habit. In fact, the Forest Service there estimates that 99 percent of these thefts are associated with drugs. We must not allow this practice of stealing from taxpayers to continue, and it is occurring not only in the west. In the Monongahela National Forest in my home State of West Virginia, last year a timber rustling ring stole about \$250,000 worth of top-quality cherry trees.

While I am not aware of a concise estimate, the American people are literally losing millions of dollars of their resources as a result of these activities.

Terrorism comes in many forms. There is no doubt about it. Robbing future generations of Americans of the splendor and the grandeur of publicly held natural resources is in my book a form of terrorism.

It is all together fitting and proper that this hearing is being held on Abraham Lincoln's birthday. In 1862 he said in an address to Congress, and I quote: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise — with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country."

Although the occasion is quite different today, these words are quite applicable.

I look forward to hearing from our witnesses today, especially our three distinguished colleagues.

And thank you, Mr. Chairman, for yielding time to me.

[The prepared statement of Mr. Rahall follows:]

**Statement of The Honorable Nick J. Rahall II, Ranking Democrat,
Committee on Resources**

Mr. Chairman, I would first like to express my appreciation to your agreeing to expand the scope of this hearing to include what I view is as two very real forms of terrorism; threats against employees of our federal land management agencies, and the theft of the public's resources, such as valuable timber, from National Forest System lands.

It is unfortunate, but true, that all too often American citizens who are serving their country as public servants working in the Forest Service, the BLM, the National Park Service and the Fish and Wildlife Service have been subjected to harassment, intimidation, and mental and physical abuse during the discharge of their duties. This has occurred primarily in the western states, and is often perpetrated by groups and individuals associated with radical right-wing causes.

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Certainly, since 9-11, we have all gained a greater appreciation of the brave and selfless service provided to us all, every day, by our fire and police departments, and by our National Guard. I believe we need to have that same appreciation for those in the Departments of the Interior and Agriculture who, on a daily basis, are in the field charged with upholding the laws of this land. And in fact, it is many of these same employees who are now also being called upon to help with homeland security.

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"The dogmas of the quite past, are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise—with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country."

Although the occasion is quite different, those words are applicable today. I look forward to hearing from the witnesses.

Mr. McINNIS. Thank you, Mr. Rahall.

And Chairman of the whole Committee, Mr. Hansen. Mr. Hansen, you may proceed.

**STATEMENT OF THE HON. JAMES V. HANSEN, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. HANSEN. Thank you, Mr. Chairman. I would like to associate my remarks with yours and Mr. Inslee, and Mr. Rahall, what has been said.

You know that over 40 years ago I really got ticked off at the Farmington City Council where I lived, and those guys made me so mad the way they were handling the water system. You know what I did? I ran for the City Council. And guess what? I became the water commissioner, and so, if you don't like it, do something about it. So that is the system we work in. Our system is if you don't like something, there is a proper way to do it in America, and Mr. Inslee correctly points out about things that are frustrating. They are frustrating on both sides. And so that is why most of us that are sitting up on this dais are here today, because we were very frustrated with something that occurred, and so we wanted to make a change.

We can stand and look at C-SPAN, every day looking at C-SPAN. One of us is going to get up, and we are going to scream and shout and make all kinds of comments about something that is wrong, and doggone it, we want to change it. But in America to get it done, you have to work within the system. That is the way it works.

And so we come in here. As a past military person years ago during the Korean War, I am now the third-ranking man on the Armed Services Committee, and I would like to see some things changed that I think are better for the enlisted men and the junior officers, but the way to do it is within the system.

You know our Constitution starts by saying "We the people," and that is what it is really serious about; it is the people that run this show, and we are responsible to you. We are responsible to the people. And all this comes down to the majority of people, and we see how people vote and what they say, and if they like us they keep us in. And so we just can't go off on our own and do what we want to do.

I was down in the White House recently as one of the senior members of the Armed Services Committee, and the President said to the new Homeland Security man, Governor Ridge, he said, "Terrorism is terrorism wherever it is found, and we are going to stamp

it out," because we had made the point, because this Committee is constantly getting these areas.

It was brought up on this film that you showed, Mr. Chairman, that the Salt Lake City, my home state, was getting more hits than a lot of them, and I have known a lot of those people. I have represented a lot of them. Up there in what is called Morgan County, we have had somebody throw out dozens of mink, those little animals that run around. And guess what? They really didn't do them any favors because the coyotes had most of them eaten by the next morning. But if that made somebody happy that those mink were thrown out, so be it. I have seen a lot of situations like that. I have often wondered maybe someone who does that should take into consideration the biblical term of what is the measure of creation of that animal? And maybe the measure of creation of that animal is something—if someone wants to wear a mink coat, I think it is their privilege to do that. I don't know what else you would use them for.

Anyway, it comes down to the idea that this Government moves kind of slow sometimes. Its justice moves slow. And some groups start out and they become an irritant. And they are irritated by the local cities. And then they become more than an irritant, and then they start breaking laws. And so slowly and slowly, justice grinds out. And then some of those very same people find themselves in a terrible situation. They didn't mean to do that. They were just frustrated, as Mr. Inslee pointed out, but they went the wrong way to get it done. And that frustration led to something that got them in trouble with the law, and pretty soon they get in front of a judge or a jury, and before long, they are looking out of the wrong side of the bars.

And then they sometimes have a chance to reflect and think and wonder, "Did I do the right thing?" And many times they did not. And that is a terrible lesson to have to learn, and I hate to see anybody do that that way. That is not the way we want to do business in America, but sometimes that is the way we do it.

So as I look at what has happened and all the situations that we have reviewed on this Committee, and I have been on this Committee now 21 years, and eventually justice will grind out and eventually someone will be very, very sorry that they found themselves doing something outside of the bounds of the law.

My comment, Mr. Chairman, to those folks who feel frustrated, gosh, and that is all of us I guess, is learn to work within the system, and then you can really get something done. Of course, if you just want to be nasty and paint walls and ruin a person's livelihood and all that, that is up to you too, but still on the other hand, you will feel the wrath of the system eventually come down upon you.

And I would like to submit what I really wanted to say for the record. Is that all right?

Mr. MCINNIS. Thank you, Mr. Chairman. I would ask unanimous consent that following their testimony, Congressman Nethercutt, Congressman Hooley and Congressman Walden be allowed to join the Subcommittee on the dais and to participate in the hearing. Any objection?

Seeing no objection, so ordered.

I would now like to introduce our witnesses on the first panel. On Panel I we have the Honorable Greg Walden, 2nd District, State of Oregon; the Honorable Darlene Hooley, 5th District, State of Oregon; and the Honorable George Nethercutt, 5th District of the State of Washington.

I remind the witnesses that your testimony is limited to 5 minutes, and, Mr. Walden, I will allow you to proceed.

STATEMENT OF THE HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. WALDEN. Thank you very much, Mr. Chairman, for your efforts to investigate the issues of eco-terrorism and lawlessness in our national forests. Let me say at the outset that regardless of which side of that political spectrum you reside, breaking the law to further your views is wrong.

I represent the people in a district larger than any state east of the Mississippi with more than half of those lands controlled by the Government. Too often the men and women in Federal service have been the targets of intimidation, ridicule and abuse by those who blame them for the Federal policies they are paid to implement. They and their families deserve better than to live in fear that because of the uniform they wear or the color of the truck they drive, they somehow are to blame.

We do not tolerate acts of violence against them, just as we must speak out against acts of intimidation against Native Americans whose ancestral rights are sometimes in dispute.

But today I focus my attention on the eco-terrorism of two organizations which often jointly claim credit for acts of incredible destruction in my State. Let us call ELF and ALF for what they truly are: terrorist organizations. Their combatants wear no uniform. They blend with the civilian population. They destroy private and government property. They teach others how to conduct dangerous and illegal acts, and they try to intimidate those who speak against them.

Both Congresswoman Hooley and I are now featured on an affiliate's website.

I am sure some may question my inclusion of the Animal Liberation Front in my testimony. However, several terrorist acts nationwide and within my district have been jointly claimed by both groups' spokespersons. When Mr. Rosebraugh stepped down as ELF's spokesperson, David Barbarash, the spokesperson for ALF, filled the void from his location in Vancouver, British Columbia. Two of the three specific acts I will be referring to today were jointly claimed by ELF and ALF.

Mr. Chairman, my district has seen three acts of terrorism committed by ELF or ELF/ALF in recent years. Numerous other acts of violence and destruction of private property remain unclaimed, but appear in the recent ALF 2001 Year-End Direct Action Report. On July 21, 1997 an arson fire at Cavel West meat packing plant in Redmond, Oregon resulted in \$1.4 million in damage, a jointly claimed act.

According to Captain Wayne Shortreed of the Redmond Police Department, at one point the blaze was so hot that it threatened

a propane storage facility approximately 100 yards away in a densely populated area.

Four months later this firebombing was followed by a November 29th, 1997 joint-claimed attack on several BLM horse corrals in Burns, Oregon, also in my district. This direct action resulted in over \$450,000 in damage and the release of 539 horses and burros. It also resulted in the scuttling of a planned adoption of 100 wild horses and 40 burros that had been scheduled to take place on December 6th and 7th of that year.

And on December 27th, 1998 ELF firebombed the U.S. Forest Industries headquarters in Medford, Oregon, causing more than \$900,000 in damage. It is this last attack on U.S. Forest Industries, claimed only by ELF, that I would like to focus on in my testimony today.

On the morning of December 28th, the employees of U.S. Forest Industries arrived at work to find their offices smoldering. The scene is reminiscent of what we saw of the damaged part of the Pentagon after September 11th, although it didn't take a jetliner to destroy this office. An ELF firebomb did the job. And while fortunately there was no loss of life, the destruction was just as severe.

As pictures speak louder than words, I thought it might be helpful to see the damage inflicted on U.S. Forest Industries.

This first picture on my right you will see shows the aftermath of the firebomb on the exterior of the building with the yellow crime-scene tape.

In the second picture you see the interior devastation from the attack, though it is hard to see because the intensity of the fire has blackened the walls. Company files, office equipment, all destroyed to further someone's political agenda.

Amazingly, Mr. Chairman, and by sheer force of will, U.S. Forest Industries' operations were shut down for only 4 hours on that Monday because the company was able to relocate its 15 employees to its mill operations plant in White City, Oregon. In the words of U.S. Forest Industries' President, Jerry Bramwell, quote, "We didn't want to give ELF the satisfaction of putting us out of business." End quote.

It didn't take long for ELF to claim responsibility for this attack, as this January 16th, 1999 ELF press release illustrates. We had to delete the expletives used in the ALF press release, as such language isn't appropriate for this hearing. I would like to read, however, some excerpts from this release.

In the second paragraph the press release states, and I quote: "To celebrate the holidays we decided on a bonfire. Unfortunately for U.S. Forest Industries it was their corporate office headquarters in Medford, Oregon."

The press release then states in the fourth paragraph: "This was done in retribution for all the wild forests and animals lost to feed the wallets of greedy"—expletive deleted—"like Jerry Bramwell, U.S.F.I. President."

And the attack was not because USFI was harvesting timber from public lands. No, they were harvesting timber off private lands in Colorado.

The so-called communiqué continues, and I quote: "This action is payback and it is a warning to all other responsible, we do not sleep and we won't quit." End quote.

Clearly, Mr. Chairman, the threat remains.

Mr. Chairman, if there are still some out there who feel that these acts by ELF and ALF should not be classified as terrorist acts, perhaps this next poster will sway their opinion.

This is an enlargement of a page taken straight from ELF's website. As you can see, the title of the page is "Setting Fires with Electrical Timers, an Earth Liberation Front Guide." I think the intent of the guide is dramatically and blatantly clear. They are actively enlisting and training others to carry out additional attacks in our country.

Now ELF and ALF claim that no human or non-human animal will be hurt by their attacks. But this assertion is incredulous in light of the severity and violent nature of many attacks perpetrated over the last 4 years.

I think an editorial in the January 24th, 1999 edition of the Portland "Oregonian" said it best when it stated, quote: "ELF's followers think they have the power to plan their violence so that no [human or non-human animal] will ever be hurt. What are they going to say if man, woman or child just happens to be in the wrong place when ELF makes its next statement by fire. There is no sense in what ELF offers to the world and no honor."

Mr. Chairman, I couldn't agree more with the words expressed in this editorial. It is only a matter of time before an innocent life is lost in a future ELF or ALF attack. That is why it is imperative to treat all acts of terrorism equally. The terrorists behind the attacks of September 11th, 2001 and December 27th, 1998, both used terror and destruction to further their cause.

Terrorism is terrorism whether it is international, domestic, economic, religious, social or environmental. So I call on our Justice Department to redouble its efforts to track down, apprehend and convict those responsible for these acts. Time to break up this terrorist network too.

Mr. Chairman, I commend you once again for holding this hearing. Thank you.

[The prepared statement of Mr. Walden follows:]

**Statement of The Honorable Greg Walden, a Representative in Congress
from the State of Oregon**

Thank you Mr. Chairman for your efforts to investigate the issues of eco-terrorism and lawlessness on our national forests. Let me say at the outset, that regardless of which side of the political spectrum you reside, breaking the law to further your views is wrong.

I represent the people in a district larger than any state east of the Mississippi with more than half of the lands controlled by the government. Too often the men and women in the federal service have been the targets of intimidation, ridicule and abuse by those who blame them for the federal policies they are paid to implement. They and their families deserve better than to live in fear that because of the uniform they wear or the color of the truck they drive that somehow they are to blame.

We do not tolerate acts of violence against them. Just as we must speak out against acts of intimidation against Native Americans whose ancestral rights are in dispute.

But today I focus my attention on the eco-terrorism of two organizations, which often jointly claim "credit" for acts of incredible destruction in my state.

Let's call ELF and ALF for what they truly are—TERRORIST ORGANIZATIONS. Their combatants wear no uniform. They blend with the civilian population. They

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Terrorism is terrorism whether it is international domestic, economic, religious, social or environmental. I call on our Justice Department to redouble its efforts to track down, apprehend and convict those responsible for these acts. It's time to break up this terrorist network, too.

Mr. Chairman, I commend you once again for holding this hearing and I yield back the balance of my time.

Mr. McINNIS. Thank you, Mr. Walden.
Ms. Hooley

**STATEMENT OF THE HON. DARLENE HOOLEY, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
OREGON**

Ms. HOOLEY. Thank you, Mr. Chairman.

It is very appropriate that we are gathered here today on the birthday of Abraham Lincoln, one of our country's greatest leaders. His career and the turbulent times he brought the Nation through exemplifies a need to foreswear violence in the name of political causes and abide by the rule of law.

In the wake of an 1837 mob lynching of an abolitionist newspaper editor, Lincoln urged his fellow Americans to let reverence for the law become the political religion of the Nation, to let legislators and judges chosen by the people, rather than mobs motivated by passion and hatred, decide important issues.

In the end Lincoln's philosophy was vindicated. Our Nation remains united and we are committed by the rule of law.

But there is a minority of Americans who refuse to abide by this covenant. They believe the rule of law does not apply to them, and in the forests and communities of Oregon and the western United States, their actions are a rapidly growing problem.

Oregon has seen a growing number of incidents of eco-terrorism. Last year a Boise Cascade building in my district was burned down by ELF on Christmas Day. While eco-terrorists claim that they don't want to harm people, they need to sit down with the volunteer firefighters who were roused from their bed on Christmas morning to fight the blaze they started. One of those firefighters, Paul Evans, who is also mayor of the city, told me he barely escaped from the inferno before the roof of the building collapsed.

Last year poplar trees involved in a research project at Oregon State University were destroyed. And there are more stories.

Unfortunately, neither side of the battle over the environment has a monopoly on the use of violence. Both environmentalists and those who oppose increased protections of our natural resources have resorted to illegal tactics to advance their causes. Federal

land managers have been harassed, intimidated and threatened by those who are opposed to environmental protections.

Let me be clear. Using violence or intimidation in the name of a political cause is wrong. In a democracy we fight for change at the ballot box and in the halls of our legislature.

Eco-terrorism poses additional challenges to the law enforcement community. It is a well-known fact that very few eco-terrorists have been caught. These groups have no formal organization. They act in small terror cells which are autonomous from one another. Because these crimes are investigated with limited resources and manpower, local law enforcement officials have little success in successfully closing these cases.

Along with my colleague from Oregon, Congressman Walden, I have sought to reverse the current situation by sponsoring H.R. 2583, the Environmental Terrorism Reduction Act. This bill would provide Federal assistance where it is needed most, at the local level. It would establish the Attorney General to establish a national clearinghouse for information of incidences of eco-terrorism, with the hope that the investigators stay ahead of the curve in preventing additional acts of terror.

In addition, H.R. 2583 would establish the Environmental Terrorism Reduction Program in the Department of Justice. This program would authorize the Attorney General to designate any area as a High-Intensity Environmental Terrorism Area, and we know these happen in groups. After making such a designation, local law enforcement agencies would access Federal funding to assist them in solving and preventing these types of crimes in the future. This program is similar to the Department of Justice's high-Intensity Drug-Trafficking Area, better known as HIDTA, which has been extraordinarily useful in Oregon and other states in helping to make our communities better places to live.

Mr. Chairman, and Mr. Ranking Member, again thank you for the opportunity to appear before the Committee. I urge you and the rest of the Committee to co-sponsor H.R. 2583 and assist Congressman Walden and I in getting this legislation approved.

Thank you for your time.

[The prepared statement of Ms. Hooley follows:]

**Statement of The Honorable Darlene Hooley, a Representative in Congress
from the State of Oregon**

Thank you Mr. Chairman.

It is very appropriate that we are gathered here today on the birthday of Abraham Lincoln, one of our country's greatest leaders. His career—and the turbulent times he brought the nation through—exemplify the need to forswear violence in the name of political causes and abide by the rule of law.

In the wake of an 1837 mob lynching of an anti-slavery newspaper editor, Lincoln urged his fellow Americans to "let reverence for the laws . . . become the political religion of the nation," to let legislatures and judges chosen by the people, rather than lynch-mobs motivated by passion and hatred, decide matters.

In the end, Lincoln's philosophy was vindicated. Our nation remains united, and we are committed to the rule of law.

But as is always the case, there is a minority of Americans who refuse to abide by this covenant. They believe the rule of law does not apply to them, and in the forests and communities of Oregon and the Western United States, their actions are a rapidly growing problem.

Violence or intimidation directed against a Forest Service employee—or arson in the name of protecting the environment—are not lawful acts. They are crimes—and

their perpetrators should be apprehended and prosecuted to the fullest extent of the law.

Obviously, there are laws in place prohibiting assault or threatening harm against any individual, whether he or she is an environmental activist or a Forest Service employee. It is inexcusable that a Park Service ranger would have to live in fear of having their home or office bombed, or that someone monitoring water quality on public land could be beaten and left for dead.

These are just some of the crimes on federal land which have occurred in the past few years. As such, I strongly urge the members of the Committee to ensure that our local, state, and federal law enforcement officials are effectively upholding the law in this regard.

That said, eco-terrorism poses additional challenges for the law enforcement community.

It is a well-known fact that very few eco-terrorists, especially E-L-F representatives, have been caught. These groups have no formal organization, and act in small terrorist cells which are autonomous from one another. Because these crimes are investigated with limited resources and manpower, local law enforcement officials have little success in successfully closing these cases.

Along with my colleague from Oregon, Congressman Greg Walden, I have sought to reverse the current situation by sponsoring H.R. 2583, the Environmental Terrorism Reduction Act. This bill would provide federal assistance where it is needed most, at the local level.

H.R. 2583 would first require the Attorney General to establish a national clearinghouse for information on incidents of eco-terrorism, with the hope that investigators stay ahead of the curve in preventing additional acts of terror.

It should be noted the Bureau of Alcohol, Tobacco, and Firearms (ATF) already maintains a data-base of information on every explosive device found or triggered in the United States. As we consider moving this bill forward, it should be perfected to ensure the clearing house contain input from ATF so as not to reinvent the wheel.

In addition, H.R. 2583 would establish the Environmental Terrorism Reduction Program in the Department of Justice.

This program would authorize the Attorney General, upon consultation with the heads of Federal, State, and local law enforcement agencies and the Governor of each applicable State, to designate any area as a high intensity environmental terrorism area. After making such a designation local law enforcement agencies could access federal funding to assist them in solving and preventing these types of crimes in the future.

This program is similar to the Department of Justice's High Intensity Drug Trafficking Area program (HIDTA), which has been extraordinarily useful in Oregon and other states in helping make our communities better places to live.

Mr. Chairman and Mr. Ranking Member, thank you again for the opportunity to appear before the Committee. I would urge you and entire panel to co-sponsor H.R. 2583, and assist Congressman Walden and I in getting this legislation approved by the Judiciary Committee.

Mr. McINNIS. Thank you, Congresswoman.
Mr. Nethercutt, you may proceed.

STATEMENT OF THE HON. GEORGE R. NETHERCUTT, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. NETHERCUTT. Thank you, Mr. Chairman. And I want to thank you and the ranking member, Mr. Inslee, for taking the initiative to conduct this hearing today, and I thank the members of the Subcommittee for your attention to this panel of witnesses.

If I may, I would like to have my prepared statement made part of the record, and I will do my best to summarize it here in the 5 minutes that you have allotted to us.

Mr. Chairman, Agroterrorism and the reprehensible actions of radical environmentalists have for too long been perceived as local concerns concentrated in particular geographic areas. The sheer scope of this criminal activity escapes the focus it deserves, with

arson, vandalism and intimidation often occurring in rural areas with limited press coverage. So we are left with anecdotal evidence and a little sense of the vast criminal conspiracy that connects the members of organizations such as ALF and ELF.

I would ask that some documents be included in the record, if I may, which I hope would help the Subcommittee in considering this issue.

The first item is a letter to me from the National Center for Public Policy Research, along with copies of correspondence exchanged with national environmental groups about their positions on violent activism.

Second I am providing a Department of Agriculture report on the extent of animal and plant terrorism incidents at USDA funded facilities, with recommendations for improving security. And this report especially responds to a requirement I sponsored in fiscal year 2001, and represents only the very first tentative efforts by Federal agencies to grapple with this problem.

And third I am providing the 2001 Year-End Direct Action Report from the Animal Liberation Front.

As members of the Subcommittee may know, I represent the State of Washington, a State that is blessed with vast and beautiful natural resources and a vibrant biotechnology industry. We have agriculture, and science, and forestry, that has been under assault by radical environmental groups for years in our State, and constituents of mine have been very concerned with actions that threaten their lives and their livelihood.

I have had a chance to talk with a number of scientists, research scientists who have been in the business for many years, and one in particular struck a chord with me. She was a middle-aged woman who had been working in medical research for years and had been physically threatened by radicals and was fearful of her safety. And she said to me, "Congressman, I'm just trying to cure breast cancer, and these people in these groups are trying to intimidate me from doing the work that I think will help humanity."

Another scientist from my district, an agricultural research scientist, literally fled from this country, went to Australia for a year, after receiving death threats to his family.

So these are people who want to make our lives better, who want to improve society, who want to help other people, and they are being intimidated in the research industry by people who have little care for humanity.

In May of 2001 it sort of came to a boiling point for me. The Horticultural Center at the University of Washington, not in my district but in my beautiful State, was burned to the ground. The University Center for Urban Horticulture was burned down. The direct cost of that crime was \$5.3 million. I met today with a scientist from that facility, who is heartbroken and said his colleagues are heartbroken, by not only the violent act that burned down this building, but from the standpoint that the research that they had conducted over the years was destroyed. It has an impact in the real world, in the real scientific world.

So what I have done is introduced legislation. It is H.R. 2795, the Agroterrorism Prevention Act. And I want to commend Con-

gressman Cunningham and Congressman Chambliss for their work in crafting this bill.

What it does, in summary, is it enhances the penalties for this kind of destructive act by organizations like ELF and ALF. It provides an increase in penalty for violation from 1 year to 5 years in prison. And a new penalty is added for the use of explosives or arson, recognizing that firebombing, as Congressman Walden said, is the preferred act in this kind of activity. We expand the restitution requirements and allow a possible death penalty, a sentence for violations that causes somebody to die. And it is only a matter of time, Mr. Chairman, until somebody is going to die. And the law ought to be strong enough to deal with that kind of destructive behavior that is likely to cause death in the days ahead.

I know my time is up, but I just want to say this. We provide assistance in this bill, not only for enhanced penalties but we are going to help the research facilities in this country protect themselves from this kind of activity where people come in and they tip over trays of scientific research and destroy years of work and experiments that are paid for by the taxpayer. Federal research is provided all across this country in universities and other institutions with taxpayer dollars. When those are destroyed, that destroys and wastes taxpayer dollars.

I have two charts to show to the Subcommittee. The first one, Mr. Chairman, shows that University of Washington facility and the fire, before and the after. This is a horticultural center, and it was destroyed to the tune of \$5.3 million in damages. The chart shows the self-reported terrorism from ALF and ELF in 2001. The red states are the ones that have been targeted by these two organizations in the last year.

Let me close with this quote. These are words attributed to ALF following an attack on the property of a Michigan veterinarian working with fur farmers. Quote: "We must all act our consciousness and inflict economic harm upon all of those who are responsible for the destruction of the earth and its inhabitants. We encourage others to find a local Earth raper and make them pay...The only language these people understand is money. We must inflict economic sabotage on all Earth rapers if we are ever to stop the madness we live in. To do so is not a crime, it is a necessity."

One other quote that this Committee ought to understand and appreciate. In a recent magazine interview, Mr. Rosebraugh showed his sympathy with the victims of September 11, noting: "Anyone in their right mind would realize the United States had it coming."

One of his ELF associates was more direct. Quote: "I cheered when the plane hit the Pentagon. Those people are in the business of killing people. It was like, sorry [expletive] happen."

I urge this Committee to favorably report out legislation like the Agroterrorism Prevention Act, and bills like Ms. Hooley and Mr. Walden have sponsored and proposed.

And I am grateful that this Committee has taken the time to address this issue. Thank you.

[The prepared statement of Mr. Nethercutt follows:]

Statement of The Honorable George R. Nethercutt, Jr., a Representative in Congress from the State of Washington

Mr. Chairman, I would like to thank you and the ranking member for taking the initiative to conduct this hearing today. Agroterrorism and the reprehensible actions of radical environmentalists have for too long been perceived as local concerns, concentrated in particular geographic regions. The sheer scope of this criminal activity escapes the focus it deserves, with arson, vandalism and intimidation often occurring in rural areas, with limited press coverage. We are left with anecdotal evidence and little sense of the vast criminal conspiracy that connects the members of organizations such as the Animal and Earth Liberation Fronts.

I would ask to include in the record three items which I believe may be helpful to the Subcommittee in considering this issue. The first item is a letter to me from the National Center for Public Policy Research, along with copies of correspondence exchanged with national environmental groups about their positions on violent activism. Second, I am providing a Department of Agriculture report on the extent of animal and plant terrorism incidents at USDA funded facilities, with recommendations for improving security. This report responds to a requirement I sponsored in fiscal year 01, and represents only the very first tentative efforts by Federal agencies to grapple with this problem. Third, I am providing the 2001 Year-End Direct Action Report from the Animal Liberation Front.

I represent Washington state, which is blessed with rich natural resources and a vibrant biotechnology industry. Agriculture, forestry and science have been under assault by radicals for years in our state, and constituents have long expressed their concerns with criminal activity that threatens both their lives and their livelihood.

I met with one scientist who told me that she has been physically threatened by radicals and fears for her safety. "Yet, all I want to do is cure breast cancer," she says. Another scientist, from my district, fled with his family to Australia for a year after receiving death threats. These are people who want to make our lives better, cure diseases, make agriculture more sustainable and less ecologically damaging. But organizations like the Earth Liberation Front have put a bulls-eye on them.

In May of 2001, I finally had enough. At 3am on May 21, 2001, the University of Washington Center for Urban Horticulture was burned to the ground. In the twisted logic of the eco-terrorists, the Horticulture Center had done wrong by seeking to advance the protection and hardiness of urban forests and wetlands. The results of that crime are evident in this display. This facility suffered \$5.3 million in physical damage—some faculty members lost a lifetime of work that day, and that cost is inestimable. That same day, a poplar tree farm in Oregon was firebombed with almost identical incendiary devices. The interstate connections were made perfectly clear by that simultaneous action, and persuaded me that a strong federal response was required to contain this terrorism.

I will be eager to hear from Mr. Rosebraugh later this afternoon. Too many members of his organization lurk in the shadows, unwilling to engage in honest debate, but all too willing to resort to arson. I suspect that the purported intellectual underpinnings of this radicalism are insufficiently developed to weather the public condemnation that must accompany the associated violence. But before we go further, it may be helpful to have at least some sense of the ALF/ELF mind set.

In recent and telling magazine interview, Mr. Rosebraugh showed his sympathy with the victims of September 11, noting: "Anyone in their right mind would realize the United States had it coming." One of his ELF associates was more direct: "I cheered when the plan hit the Pentagon. Those people are in the business of killing people. It was like, Sorry, [expletive] happens." The connection with September 11 is not unwarranted, for like the murders in New York and Pennsylvania, members of these shadowy organizations have no respect for human life and will stop at nothing in pursuit of their dark vision of the future.

How best to deal with this home-grown brand of Al Qaeda? I propose that we use the model that has worked so well in Afghanistan. Improve our intelligence. Free the hands of law enforcement authorities. Isolate terrorists from allies and assistance. Cut off their funding. Give them no rest and no quarter.

National environmental groups need to know, you are either with us or against us. You need to choose which side you are on, and know we will be watching. Financing and harboring terrorists is no different from directly committing the acts. These dangerous and misguided zealots must be left without aid or comfort. This is the moral framework.

I have introduced legislation, H.R. 2795, the Agroterrorism Prevention Act, which would provide the necessary legal framework. I must here acknowledge the unflinching support of the lead cosponsors on this bill, Duke Cunningham and Saxby Chambliss. Our bill would broaden current definitions to protect all plant and

animal research, enhance penalties for animal or plant enterprise terrorism, allow the FBI to investigate crimes under the Racketeer Influenced Corrupt Organizations Act, and establish an incident clearinghouse to strengthen local law enforcement efforts. The bill would also establish a research security program to extend technical assistance, threat and risk assessments to research universities.

Current law provides federal protection for some animal research, but H.R. 2795 would also include all plant research, including advanced genetic techniques, increasingly the targets of terror. We seek to broaden protection for facilities presently covered by the Animal Enterprise Terrorism Act, to include any commercial or academic enterprise that uses plants or animals. The ALF would now violate this section of federal law by bombing a livestock research lab, but not the Cattlemen's Association office down the street. We seek to end that inconsistency and would also expand the threshold for triggering violation of the act by recognizing ancillary economic damages.

Penalties for violations would be increased from one year to five years, and a new penalty is added for the use of explosives or arson, recognizing that firebombing is the preferred tactic of these groups. We expand restitution requirements and allow a possible death penalty sentence for violations resulting in a death. Firebombing is not a precise science, and I fear it is only a matter of time before a botanist is in the wrong place at the wrong time. This activity should be made a RICO predicate to give the FBI the tools it needs to unravel the web of criminal conspiracy. A information clearinghouse, administered by the FBI, would enhance Federal, state and local law enforcement efforts to draw connections from fragmentary evidence.

For too long, agroterrorism has been the stuff of anecdotes—short stories in the local paper, with no clear pattern or sense of the true scope of the activity. Yet, as this next chart makes clear, agroterrorism is a vast national problem. Each dot on this map represents one self-reported incident by the ALF/ELF during 2001.

Finally, H.R. 2795 would provide authorization for the National Science Foundation to provide competitively awarded grants to colleges and universities. We have a responsibility to protect our public investment in research, and this authorization would provide some initial "lessons learned" to educate the hardening of public research facilities.

Ultimately, the physical damage is secondary to the threat to innovation and scientific discovery. The academic disciplines that seek to improve human health, our food supply, and the environment are at greatest risk. Intimidation and violence have a predictable and unwelcome result, a chilling effect on scientific investigation and an impediment to discoveries that will improve our lives.

I would like to close with a few select words attributed to the ALF, following an attack on the property of a Michigan veterinarian working with fur farmers:

"We must all act our consciousness and inflict economic harm upon all of those who are responsible for the destruction of the earth and its inhabitants. We encourage others to find a local Earth raper and make them pay . . . The only language these people understand is money. We must inflict economic sabotage on all Earth rapers if we are ever to stop the madness we live in. To do so is not a crime, it is a necessity."

Mr. Chairman, thank you again for holding this hearing and for supporting efforts to drain this fetid swamp of extremism.

Mr. McINNIS. I thank the members, and as the members know, you're welcome to join us at the dais if you would like. Also from the Committee, we have had other members that have come in and sat at the dais. Is there any objection to any other member sitting at the dais?

I see no objection, so ordered.

Our next witness has been subpoenaed to the Committee. It was with reluctance that we issued the subpoena, but the witness refused to appear in front of the Committee voluntarily. His response was that he had no desire to cooperate with the same state that is directly responsible for ongoing murder and exploitation of life both within this country and internationally.

He has responded to the subpoena, and I would now call him to the stand. Mr. Rosebraugh.

Mr. SUGARMAN. Mr. Chairman, I would ask your permission for me to sit next to my client, since he is the only person. I would appreciate it.

Mr. MCINNIS. Counsel, it is my practice to have you—you may sit behind your client, but I don't allow counsel to sit at the table with your client.

Mr. SUGARMAN. Very well. Thank you for considering my request.

Mr. MCINNIS. Mr. Rosebraugh, if you would please stand and raise your right hand, I would like to administer the oath.

Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. ROSEBRAUGH. I do.

Mr. MCINNIS. Thank you, Mr. Rosebraugh. You may be seated.

Mr. Rosebraugh, we allow you a period of 5 minutes for an opening statement or oral statement, and in addition to that, you will also be allowed to submit for the written record additional comments if you wish. You may proceed, Mr. Rosebraugh.

STATEMENT OF CRAIG ROSEBRAUGH, FORMER PRESS OFFICER, EARTH LIBERATION FRONT, ACCOMPANIED BY STUART A. SUGARMAN, ESQ., L.L.C.

Mr. ROSEBRAUGH. I don't have any opening statement. Thank you.

[The prepared statement of Mr. Rosebraugh follows:]

**Statement of Craig Rosebraugh, Former Press Officer,
Earth Liberation Front**

When a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce [the people] under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

The oppressed should rebel, and they will continue to rebel and raise disturbance until their civil rights are fully restored to them and all partial distinctions, exclusions and incapacitations are removed.

THOMAS JEFFERSON, 1776

On April 15, 1972, I came into this world as a child of two wonderful parents living in Portland, Oregon. Growing up in the Pacific Northwestern region of the United States, I had the privilege of easy access to the natural world. Much of my childhood was spent in the fields and forested areas behind our home, playing and experiencing life in my time of innocence. I had no knowledge of societal problems, especially those pertaining to the natural environment.

Throughout my childhood and adolescent years, the education I received from my parents, schools, popular media and culture instilled in me a pride for my country, for my government, and everything the United States represented. I was taught about the great American history, our Constitution, Bill of Rights, and our legacy of being at the forefront of democracy and freedom. I considered myself to be just an average boy taking an active part in the popular American pastimes of competitive sports, consumer culture, and existing within a classic representation of the standard, middle-class suburban lifestyle.

Upon graduating from high school, I became exposed to new forms of education and ideas. Resulting from my exposure to people from differing socio-economic backgrounds and beginning college, I found my horizons beginning to widen. For the first time in my life, I was presented with the notion of political and social conflict coupled with the various issues contained within both categories. It was alarming yet, at the same time, invigorating as I began to feel passion burn within me.

George Bush, Sr. had just thrust the United States into what became known as the Gulf War. Now, as I was raised with a certain absolutist support of my country and government, my first inclination was to wave the stars and stripes and support unconditionally this noble pursuit of “promoting democracy and freedom” in the “less fortunate” and “uncivilized” lands. Yet, as I began to look further into the matter, I found myself asking questions such as why are we there? Why are we killing civilians? What is the true motive behind the conflict? After extensive research, I came to the logical and truthful conclusion that natural resources and regional power were the primary motives.

As news from independent sources slowly filtered out, I became increasingly horrified at the slaughter of Iraqi civilians by the U.S. military. With NO WAR FOR OIL as my personal guiding statement, I joined the local anti-war protests and movement existing in Portland, Oregon. Little did I realize that this first political activity would lead me to a life of devotion to true justice and real freedom.

While my anti-war involvement progressed, I also began to understand the disastrous relationship our modern society has with the many animal nations. Out of an interest inspired both by independent reading and through early college courses, I became involved with a local animal advocacy organization. At first, I attended meetings to hear the numerous arguments for the rights of animals and further my own education. The more I learned, the more compelled I felt to involve myself fully in working for animal protection. My activities went from merely attending meetings, rallies, and protests to organizing them. Of all the issues I had learned about during the six years I spent with that organization, I focused the majority of my time, research, and interest on fighting against the use of animals in biomedical and scientific experimentation.

While a great percentage of the public in the United States had been convinced that animal research progressed and continues to improve human health, I soon realized that this myth was not only untruthful and single sided, but the work of a slick public relations campaign by the pharmaceutical industry in coordination with federal agencies such as the National Institutes of Health. I also learned that just like the factory farm industry, the use of animals for human entertainment and for the fashion industry, animal experimentation was motivated first and foremost by profits. Furthermore, I learned how the government of the United States not only economically supports these various institutions of exploitation and slaughter, but how it continues to perpetuate and politically support the dangerous lie that animal research saves human lives. My support for various governmental policies was slowly fading.

And then memories of innocence were torn away. In the early 1990s, I learned that the lush natural acreage I used to play in as a child had been sold to a development firm. It intended to bulldoze the entire area and create a virtual community of homes for the upper middle class to wealthy. Within two years, the land as I knew it was no more. The visual reminder I used to appreciate, the one that would take me back to the years when the fields and trees were my playground, was stolen by a development corporation who saw more value in the land as luxurious houses than for its natural beauty and life.

I remember asking myself, what would happen to the various wildlife who made the area their home for so many years? Where would the deer, coyotes, skunks, wild cats, mice, raccoons, opossums, and others go? It was obvious that the developers had not even considered these questions. Rather, it appeared, the main pursuit of the corporation was working towards building incredibly large homes as close as possible to one another for maximum financial gain.

As the 1990s progressed, I became increasingly aware of the relationship between social and political problems in the United States. No single issue was truly independent but rather was affected by many others. In my work with the local animal advocacy organization, I realized that exploitation and destruction at the hands of human domination over animals also involved much more. Economics, politics, sociology, psychology, anthropology, science, religion, and other disciplines all played a significant role in understanding this unhealthy and unbalanced relationship between humans and other animals. But, by far the most important realization I made was that the problems facing animals, the problems facing the natural environment, and those affecting humans all came from a primary source. Understanding this crucial connection, I co-founded a non-profit organization in 1996 dedicated to educating the public on this fundamental realization.

During the mid-1990s, through continued formal and informal education, I also began to understand that the history I had learned growing up was only one story of many. I gained insight into the fact that everything I had learned about the origins of the United States of America had been purely from the viewpoint of the colonists and European settlers. Thus, the history I was taught was from the

perspective of the privileged white man, which not only told a mere fraction of the story, but also provided an extreme amount of misinformation as well.

I was never taught that the origins of this country were based upon murder, exploitation, and ultimate genocide. My teachers neglected to mention the fact that the white European settlers nearly annihilated the various indigenous peoples who had existed on this land for ages. Instead, I was taught about Thanksgiving and Columbus Day. I bought into this version of American history so much that I vividly recall my excitement over creating a paper model of one of Columbus' ships years ago.

No one ever seemed to provide the insight to me that the settlers, immediately upon their arrival, immediately enslaved the natives, and forced them to work and assist the European powers in their quest for gold and spices. Likewise, I failed to ever have access to a true African-American history that began when blacks were captured and shipped as property to this land to work as slaves for white men.

While I was taught about the so-called "Great American Revolution," it was never mentioned that this war for independence against the European powers only served and benefited the privileged white male. Of course, all white men were privileged to some degree; however, many were enslaved initially just like the natives and blacks. Women, natives, blacks, and, to a limited degree, poor whites were considered property, bought, sold, and owned by the affluent white hierarchy.

In school, my teachers did explain to me the importance of the U.S. Constitution and the Bill of Rights and how our forefathers drew up these documents to serve the people. This, I learned, was the foundation of our supposed great democracy. Yet, in reality, these items were created by the white power structure and only served to benefit the privileged members of white society. Women, blacks, natives, and poor white men still were not enfranchised nor had any accessibility to self-determination and freedom. Land ownership—a notion completely foreign and absurd to most of the indigenous—became a deciding factor of power and privilege for white men. Those without land lacked the opportunity for the vote, for ultimate power and respect.

As more and more settlers pushed westward through the country, the government committed endless treaty breaches and violations, stealing land that whites had allotted to the indigenous. Perhaps one of the most disturbing facts was that these original agreements made between various indigenous nations and the United States government were supposed to have international standing. Each of the indigenous populations was recognized at the time each document was signed as being a sovereign nation and, yet, the U.S. government still exerted its power and domination to steal land for eventual development and drainage of resources. This genocide against the varied Native American nations by the United States continues today with innocent people such as Leonard Peltier being imprisoned for years simply due to the government's perception of him as a political threat. Free Leonard Peltier!

On July 4 annually, U.S. citizens celebrate the founding of our country, most either blatantly forgetting or ignorant of the true issues surrounding that date. The fact that the United States as a nation systematically committed mass genocide against the indigenous of these lands, to catastrophic extremities, is certainly no cause for celebration. Rather, it should be a time for mourning, for remembrance, and, most of all for education of our children so we are not doomed to repeat the mistakes of the past.

The plight of blacks and women throughout U.S. history, although perhaps not as overtly catastrophic, still constituted outright mass murder, enslavement, exploitation, and objectification. Early on, white European settlers found that natives were much more difficult to enslave and manage due to their ability to maintain at least partial elements of their cultures. When blacks began to first arrive on slave ships, chained in the darkness below the decks, white settlers theorized they would make better slaves because they would be further removed from their cultures. Thus, the enslavement of blacks began in this land and would, in its overt form, last for a couple hundred years. During this time and well beyond, blacks were considered property to be bought, sold, traded, used, and disposed of at will.

Even after the abolitionist movement, which began in the 1820s, blacks continued to be considered second-rate citizens, restricted from voting and experiencing the free life which whites were accustomed. When the modern U.S. civil rights movement began in the 1940s, it took some twenty years of constant hardship and struggle to achieve some reform in the fascist policies of the United States. Even though blacks "won" the right to vote and exist in desegregated zones, there still was an absence of overall freedom, never any actual resemblance of equality. Today, the saga continues. While African Americans have made incredible progress in obtaining certain rights and privileges, there continues to be a more hidden, underlying discrimination that is every bit as potent. We can see a clear example by taking an

honest look at the prison industrial complex and understanding who continues to be enslaved in mass to make that industry financially viable. Free Mumia Abu Jamal! Free the Move 9! Free all the political prisoners in the United States!

A similar and equally unfortunate history has and continues to haunt women in U.S. society. Also once considered property, women were not even able to vote in this country until the 1920s. Even after, they continued to be faced with a patriarchal society consisting of white men in power. While women have made many wonderful advances for themselves, they still exist today in the United States under that same sexist and patriarchal society. A quick glance at the profiles of the federal government as well as top CEOs from U.S. corporations fully illustrates this reality.

When I co-founded the non-profit organization in Portland, Oregon, in 1996, I was becoming more aware that the similarities in the human, environmental, and animal advocacy movements stemmed from this rich U.S. history, not of glory, freedom and democracy, but of oppression in its sickest forms. I began to also realize that just as the U.S. white male power structure put itself on a pedestal above everyone else, it also maintained that attitude toward the natural environment and the various animal nations existing within it. As a society, we have continuously acted towards these natural life forms as though we owned them, therefore giving us the right to do whatever we wanted and could do to them.

Particularly, with the advent of the industrial revolution in the United States, the destruction of the natural world took a sharp turn for the worse. The attitude, more so than ever, turned to one of profits at any cost and a major shift from sustainable living to stockpiling for economic benefit. This focus on stockpiling and industrial productivity caused hardship on communities, forcing local crafters and laborers to be driven out of business by overly competitive industries. Additionally, with this new focus on sacrificing sustainable living for financial gain, natural resources were in greater demand than ever. Semi-automatic to automatic machinery, production lines, the automobile, the roadway system, suburbs, and the breakup of small, fairly self-sufficient communities all came about, at least in part, due to the industrial revolution. This unhealthy and deadly transgression of course was supported and promoted by the U.S. government, always eager to see growth in the domestic economy.

All of this set the stage for the threatening shortage of natural resources and the massive environmental pollution and destruction present today in the United States. In cities such as Los Angeles, Detroit, and Houston, the air and soil pollution levels are so extreme people have suffered and continue to face deadly health problems. Waterways throughout the country, including the Columbia Slough in my backyard, are so polluted from industries it is recommended that humans don't even expose themselves to the moisture let alone drink unfiltered, unbottled water. The necessary and crucial forests of the Pacific Northwestern region of the country have been systematically destroyed by corporations such as Boise Cascade, Willamette Industries, and others within the timber industry whose sole motive is profits regardless of the expense to the health of an ecosystem. In Northern California, the sacred old growths, dreamlike in appearance, taking your breath away at first glance, have been continuously threatened and cut by greedy corporations such as Pacific Lumber/Maxxam. The same has occurred and still is a reality in states including Washington, Oregon, Idaho, and Colorado.

The first National Forests were established in the United States more than a century ago. One hundred fifty-five of them exist today spread across 191 million acres. Over the years, the forest products industry has decimated publicly owned National Forests in this country, leaving a horrendous trail of clearcuts and logging roads. Commercial logging has been responsible for annihilating nearly all of the nation's old growth forests, draining nutrients from the soil, washing topsoil into streams, destroying wildlife habitat, and creating an increase in the incidence and severity of forest fires. Only an estimated 4percent of old growth forests in the United States are remaining.

The National Forests in the United States contain far more than just trees. In fact, more than 3,000 species of fish and wildlife, in addition to 10,000 plant species, have their habitat within the National Forests. This includes at least 230 endangered plant and animal species. All of these life forms co-exist symbiotically to naturally create the rich and healthy ecosystems needed for life to exist on this planet.

The benefits of a healthy forest cannot be overrated. Healthy forests purify drinking water, provide fresh clean air to breathe, stabilize hillsides, and prevent floods. Hillsides clearcut or destroyed by logging roads lose their ability to absorb heavy rainfall. If no trees exist to soak up moisture with roots to hold the soil, water flows freely down slopes, creating muddy streams, polluting drinking water, strengthening floods, and causing dangerous mudslides. Instead of valuing trees and forests for being necessary providers of life, the U.S. Forest Service and commercial logging interests have decimated these precious ecosystems.

The timber corporations argue that today in the United States more forests exist than perhaps at any time in the last century or more. It doesn't take a forestry specialist to realize that monoculture tree farms—in which one species of tree, often times non-native to the area, is grown in mass in a small area for maximum production do not equate to a healthy forest. Healthy forests are made up of diverse ecosystems consisting of many native plant and animal species. These healthy ecosystems are what grant humans and all other life forms on the planet with the ability to live. Without clean air, clean water, and healthy soil, life on this planet will cease to exist. There is an overwhelming battery of evidence that conclusively shows that we are already well on our path toward massive planetary destruction.

The popular environmental movement in the United States, which arguably began in the 1960s, has failed to produce the necessary protection needed to ensure that life on this planet will continue to survive. This is largely due to the fact that the movement has primarily consisted of tactics sanctioned by the very power structure that is benefiting economically from the destruction of the natural world. While a few minor successes in this country should be noted, the overwhelming constant trend has been the increasingly speedy liquidation of natural resources and annihilation of the environment.

The state sanctioned tactics, that is, those approved by the U.S. government and the status quo and predominantly legal in nature, rarely, if ever, actually challenge or positively change the very entities that are responsible for oppression, exploitation, and, in this case, environmental destruction. Throughout the history of the United States, a striking amount of evidence indicates that it wasn't until efforts strayed beyond the state sanctioned that social change ever progressed. In the abolitionist movement, the Underground Railroad, public educational campaigns, in addition to slave revolts, forced the federal government to act. With the Suffragettes in the United States, individuals such as Alice Paul acting with various forms of civil disobedience added to the more mainstream efforts to successfully demand the vote for women. Any labor historian will assert that in addition to the organizing of the workplace, strikes, riots, and protests dramatically assisted in producing more tolerable work standards. The progress of the civil rights movement was primarily founded upon the massive illegal civil disobedience campaigns against segregation and disenfranchisement. Likewise, the true pressure from the Vietnam anti-war movement in this country only came after illegal activities such as civil disobedience and beyond were implemented. Perhaps the most obvious, yet often overlooked, historical example of this notion supporting the importance of illegal activity as a tool for positive, lasting change, came just prior to our war for independence. Our educational systems in the United States glorify the Boston Tea Party while simultaneously failing to recognize and admit that the dumping of tea was perhaps one of the most famous early examples of politically motivated property destruction.

In the mid-1990s, individuals angry and disillusioned with the failing efforts to protect the natural environment through state sanctioned means, began taking illegal action. At first, nonviolent civil disobedience was implemented, followed by sporadic cases of nonviolent property destruction. In November 1997, an anonymous communiqué was issued by a group called the Earth Liberation Front claiming responsibility for their first-ever action in North America.

Immediately, the label of ecoterrorism appeared in news stories describing the actions of the Earth Liberation Front. Where exactly this label originated is open for debate, but all indications point to the federal government of the United States in coordination with industry and sympathetic mass media. Whatever the truth may be regarding the source of this term, one thing is for certain—the decision to attach this label to illegal actions taken for environmental protection was very conscious and deliberate. Why? The need for the U.S. federal government to control and mold public opinion through the power of propaganda to ensure an absence of threat is crucial. If information about illegal actions taken to protect the natural environment were presented openly to the public without biased interpretation, the opportunity would exist for citizens to make up their own minds about the legitimacy of the tactic, target, and movement. By attaching a label such as “terrorism” to the activities of groups such as the Earth Liberation Front, the public is left with little choice but to give into their preconceived notions negatively associated with that term. For many in this country, including myself, information about terrorism came from schools and popular culture. Most often times, the definition of terrorism was overtly racist associated frequently in movies and on television shows with Arabs and the others our government told us were threatening. Terrorism usually is connected with violence, with politically motivated physical harm to humans.

Yet, in the history of the Earth Liberation Front, both in North America and abroad in Europe, no one has ever been injured by the group's many actions. This is not a mere coincidence, but rather a deliberate decision that illustrates the true

motivation behind the covert organization. Simply put and most fundamentally, the goal of the Earth Liberation Front is to save life. The group takes actions directly against the property of those who are engaged in massive planetary destruction in order for all of us to survive. This noble pursuit does not constitute terrorism, but rather seeks to abolish it.

A major hypocrisy exists when the U.S. government labels an organization such as the Earth Liberation Front a terrorist group while simultaneously failing to acknowledge its own terrorist history. In fact, the U.S. government by far has been the most extreme terrorist organization in planetary history. Some, but nowhere near all, of the examples of domestic terrorism were discussed earlier in this writing. Yet, further proof can be found by taking a glimpse at the foreign policy record of the United States even as recently as from the 1950s.

In Guatemala (1953–1990s) the CIA organized a coup that overthrew the democratically elected government led by Jacobo Arbenz. This began some 40 years of death squads, torture, disappearances, mass executions, totaling well over 100,000 victims. The U.S. government apparently didn't want Guatemala's social democracy spreading to other countries in Latin America.

In the Middle East (1956–1958) the United States twice tried to overthrow the Syrian government. Additionally, the U.S. government landed 14,000 troops to purportedly keep the peace in Lebanon and to stop any opposition to the U.S. supported Lebanese government. The U.S. government also conspired to overthrow or assassinate Nasser of Egypt.

During the same time, in Indonesia (1957–1958), the CIA tried to manipulate elections and plotted the assassination of Sukarno, then the Indonesian leader. The CIA also assisted in waging a full-scale war against the government of Indonesia. All of this action was taken because Sukarno refused to take a hard-line stand against communism.

From 1953 to 1964, the U.S. government targeted Cheddi Jagan, then the leader of British Guiana, out of a fear he might have built a successful example of an alternative model to the capitalist society. The U.S. government, aided by Britain, organized general strikes and spread misinformation, finally forcing Jagan out of power in 1964.

In Cambodia (1955–1973), Prince Sihanouk was severely targeted by the U.S. government. This targeting included assassination attempts and the unpublicized carpet bombings of 1969 to 1970. The U.S. government finally succeeded in overthrowing Sihanouk in a 1970 coup.

The examples continue. From 1960 through 1965, the United States intervened in Congo/Zaire. After Patrice Lumumba became Congo's first Prime Minister following independence gained from Belgium, he was assassinated in 1961 at the request of Dwight Eisenhower. During the same time in Brazil (1961–1964), President Joao Goulart was overthrown in a military coup, which involved the United States. Again, the alleged reasoning for U.S. participation amounted to a fear of communism or, more importantly, anything that threatened this country's way of life. In the Dominican Republic (1963–1966), the United States sent in 23,000 troops to help stop a coup which aimed at restoring power to Juan Bosch, an individual the U.S. government feared had socialist leanings.

Of course, no one should forget about Cuba. When Fidel Castro came to power in 1959, the United States immediately sought to put another government in place, prompting some 40 years of terrorist attacks, bombings, a full-scale military invasion, sanctions, embargoes, isolations, and assassinations.

In Chile, the U.S. government sabotaged Salvador Allende's electoral campaign in 1964. In 1970, the U.S. government failed to do so and tried for years later to destabilize the Allende government particularly by building up military hostility. In September 1973, the U.S. supported military overthrew the government with Allende dying in the process. Some 3,000 people were executed and thousands more were tortured or disappeared. In Greece during the same period (1964–1974), the United States backed a military coup that led to martial law, censorship, arrests, beatings, torture, and killings. In the first month, more than 8,000 people died. All of this was executed with equipment supplied by the United States.

Back in Indonesia in 1965, fears of communism led the United States to back multiple coup attempts, which resulted in a horrendous massacre against communists. During this time the U.S. embassy compiled lists of communist operatives, as many as 5,000 names, and turned them over to the Army. The Army would then hunt down and kill those on the list.

The U.S. Government also has had its dirty hands connected to East Timor (1975 to present). In December 1975, Indonesia invaded East Timor using U.S. weapons. By 1989, Indonesia had slaughtered 200,000 people out of a population between 600,000 and 700,000.

In Nicaragua (1978–1989), when the Sandinistas overthrew the Somoza dictatorship in 1978, the U.S. government immediately became involved. President Carter attempted diplomatic and economic forms of sabotage while President Reagan put the Contras to work. For eight years, backed by the United States, the Contra's waged war on the people of Nicaragua.

Continuing on with Grenada (1979–1984), the United States intervened to stop a 1979 coup led by Maurice Bishop and his followers. The United States invaded Grenada in October 1983, killing 400 citizens of Grenada and 84 Cubans. Of course the Libya example (1981–1989) must be mentioned. In the 1980s, the United States shot down two Libyan planes in what Libya regarded as its air space. The United States also dropped bombs on the country killing more than people including Qaddafi's daughter. Yet that wasn't enough as the U.S. government engaged in other attempts to eradicate Qaddafi. This included a fierce misinformation campaign, economic sanctions, and blaming Libya for being responsible for the Pan Am flight 103 bombing without any sound evidence. The U.S. government, also in 1989, bombed Panama, leaving some 15,000 people homeless in Panama City. Thousands of people died and even more were wounded.

Prior to the October 7, 2001, invasion of Afghanistan by the United States, the U.S. government had intervened there from 1979 to 1992. During the late 1970s and most of the 1980s, the U.S. government spent billions of dollars waging a war on a progressive Afghani government, merely because that government was backed by the Soviet Union. More than one million people died, three million were disabled, and five million became refugees.

In El Salvador (1980–1992), the United States supported the government, which engaged in electoral fraud and the murder of hundreds of protesters and strikers. These dissidents, who had been trying to work within the system, took to using guns and declared a civil war in 1980. The U.S. government played an active role in trying to stop the uprising. When it was over in 1992, 75,000 civilians had been killed and the United States had spent six billion dollars.

In Haiti, from 1987 through 1994, the United States supported the Duvalier family dictatorship. During this time, the CIA worked intimately with death squads, torturers, and drug traffickers. Yugoslavia must also be mentioned, as no one should ever forget the United States' responsibility for bombing that country into annihilation.

In the early 1990s, the U.S. government continuously bombed Iraq for more than 40 days and nights. One hundred seventy-seven million pounds of bombs fell during this time on the people of Iraq. The remaining uranium deposits from weapons resulted in massive birth defects and incidences of cancer. Between 1990 and 1995, the United States was directly responsible for killing more than 500,000 Iraqi children under the age of five due to economic sanctions. Additionally, due to these sanctions, coupled with the continuous U.S. bombing that has occurred on Iraq since the Gulf War, more than 1.5 million innocent Iraqi people have been killed.

These few examples since 1950 of U.S.-sponsored and organized terrorism are horrendous, and, unfortunately, these massive murderous tactics continue today. On October 7, 2001 the U.S. government began a full-scale military invasion of Afghanistan without even providing a shred of factual evidence linking Osama Bin Laden or Al Qaida to the attacks in this country on September 11. To date, well over 4,000 innocent Afghani civilians have been killed by the U.S. government in this massive genocidal campaign. All along, U.S. government officials have claimed to possess concrete evidence proving the guilt of both Bin Laden and Al Qaida, but repeatedly said they cannot release this "proof" as doing so may endanger the lives of U.S. military personnel. This simply makes no sense, as there could not be any justifiable threat to U.S. personnel if they weren't already in inexcusable positions, violating the sovereignty of internationally recognized nations.

The Taliban, which the United States help put into power in 1994, have stated repeatedly to the U.S. government and the world that it would hand over Bin Laden to an international court if the United States provided proof of his guilt. The United States refused and instead claimed the Taliban was not cooperating and was therefore harboring terrorists.

Can you imagine what would have happened if, prior to September 11, 2001, a structure in Kabul were bombed and the Taliban immediately suspected CIA director George Tenet as the prime suspect? Would the United States hand over Tenet to the Taliban if requested if there was not substantial evidence provided of his guilt? Even if the Taliban supplied any shred of evidence, the United States still would refuse to hand over Tenet or any privileged citizen to an international court because the United States does not abide by them or agree to them. Regardless, the U.S. government believes that it has the right to provide no evidence of Bin Laden's

or Al Qaida's guilt to the Taliban or the world before launching a massive genocidal campaign against Afghanistan civilians.

The true motives and the identities of those involved both in September 11, 2001 and October 7, 2001 are known only to a select few in power. However, evidence does exist in media sources as mainstream as the BBC (reported on September 18, 2001) that suggests the U.S. government was planning a military invasion of Afghanistan to oust the Taliban as early as March 2001. Furthermore, the intended deadline for the invasion was set for not later than October of the same year. The October 7, 2001, invasion by the United States into Afghanistan appears to have been right on schedule.

This war against terrorism, otherwise known as Operation Enduring Freedom, is the latest example of U.S. based terrorism and imperialism. It is clear that the events of September 11, 2001, were used as a chance for the U.S. government to invade Afghanistan, to attempt to increase U.S. regional and global power in addition to open up the much-sought-after oil reserves in the Middle East and Central Asia. The bonus, of course, was that this mission has given the United States the opportunity to target and attempt to annihilate any anti-U.S. sentiment within that region. As the war against terrorism expands, so does the possibility of more U.S. military bases and more security for the global economic powers.

If the U.S. government is truly concerned with eradicating terrorism in the world, then that effort must begin with abolishing U.S. imperialism. Members of this governing body, both in the House and Senate as well as those who hold positions in the executive branch, constitute the largest group of terrorists and terrorist representatives currently threatening life on this planet. The only true service this horrific organization supplies is to the upper classes and corporate elite.

As an innocent child, I used to have faith in my government and pride in my country. Today I have no pride, no faith, only embarrassment, anger, and frustration. There are definite and substantiated reasons why the U.S. government is not only disliked but hated by populations in many nations around the globe. The outrage and anger is justified due to the history of U.S. domestic and foreign policies.

Here in the United States, the growth of the empire, of capitalism, and of industry, has meant greater discrepancies between the wealthy and poor, a continued rise in the number of those considered to be a threat to the system, as well as irreversible harm done to the environment and life on the planet. Corporations in the United States literally get away with murder, facing little or no repercussions due to their legal structures. The U.S. government, which sleeps in the same bed as U.S. corporations, serves to ensure that the "business as usual" policies of imperialism can continue with as little friction as possible. Anyone questioning the mere logic of this genocidal culture and governing policy is considered a dissident and, more often than not, shipped off to one of the fastest growing industries of all, the prison industrial complex.

Internationally, U.S. policies have amounted to the same, often times worse, forms of violence. As I demonstrated herein with examples since 1950, the foreign policy track record has included genocide, assassinations, exploitation, military action, and destruction. Disguised as promoting or protecting freedom and democracy, U.S. foreign policies aim to directly control and conquer, while gaining power, finances, and resources.

U.S. imperialism is a disease, one that continues to grow and become more powerful and dangerous. It needs to be stopped. One of the chief weapons used by those protecting the imperialist policies of the United States is a slick, believable propaganda campaign designed to ensure U.S. citizens do not question or threaten the "American way of life." Perhaps the strongest factor in this campaign is the phenomenon of capitalism. By creating a consumer demand for products, corporations, greatly aided by the U.S. government, can effectively influence people's dreams, desires, wants, and life plans. The very American Dream promoted throughout the world is that anyone can come to the United States, work hard, and become happy and financially secure. Through the use of the propaganda campaign designed, promoted, and transmitted by the U.S. ruling class, people are nearly coerced into adopting unhealthy desires for, often times, unreachable, unneeded, and dangerous consumer goods. Through impressive societal mind control, the belief that obtaining consumer products will equal security and happiness has spread across the United States, and much of the planet at this point, like some extreme plague. The fact that the policies of the United States murder people on a daily basis is unseen, forgotten, or ignored, as every effort is made by people to fit into the artificial model life manufactured by the ruling elite.

A universal effort needs to be made to understand the importance and execution of abolishing U.S. imperialism. This by no way refers to simply engaging in reformist efforts, rather, a complete societal and political revolution will need to occur

before real justice and freedom become a reality. The answer does not lie in trying to fix one specific problem or work on one individual issue, but rather the entire pie needs to be targeted, every last piece looked upon as a mere representation of the whole.

If the people of the United States, who the government is supposed to represent, are actually serious about creating a nation of peace, freedom, and justice, then there must be a serious effort made, by any means necessary, to abolish imperialism and U.S. governmental terrorism. The daily murder and destruction caused by this political organization is very real, and so the campaign by the people to stop it must be equally as potent.

I have been told by many people in the United States to love America or leave it. I love this land and the truly compassionate people within it. I therefore feel I not only have a right, but also an obligation, to stay within this land and work for positive societal and political change for all.

I was asked originally if I would voluntarily testify before the House Subcommittee on Forests and Forest Health at a hearing focused on "ecoterrorism." I declined in a written statement. U.S. Marshals then subpoenaed me on October 31, 2001 to testify at this hearing on February 12, 2002, against my will. Is this hearing a forum to discuss the threats facing the health of the natural environment, specifically the forests? No, clearly there is not even the remotest interest in this subject from the U.S. government or industry. The goal of this hearing is to discuss methodologies to improve the failed attempts law enforcement have made since the mid-1990s in catching and prosecuting individuals and organizations who take non-violent, illegal direct action to stop the destruction of the natural environment. I have no interest in this cause or this hearing. In fact, I consider it a farce.

Since 1997, the U.S. government has issued me seven grand jury subpoenas, raided my home and work twice, stealing hundreds of items of property, and, on many occasions, sent federal agents to follow and question me. After this effort, which has lasted nearly five years, federal agents have yet to obtain any information from me to aid their investigations. As I have never been charged with one crime related to these so-called ecoterrorist organizations or their activities, the constant harassment by the federal government constitutes a serious infringement on my Constitutional right to freedom of speech. This Congressional Subcommittee hearing appears to be no different, harassing and targeting me for simply voicing my ideological support for those involved in environmental protection.

I fully praise those individuals who take direct action, by any means necessary, to stop the destruction of the natural world and threats to all life. They are the heroes, risking their freedom and lives so that we as a species as well as all life forms can continue to exist on the planet. In a country so fixated on monetary wealth and power, these brave environmental advocates are engaging in some of the most selfless activities possible.

It is my sincere desire that organizations such as the Earth Liberation Front continue to grow and prosper in the United States. In fact, more organizations, using similar tactics and strategies, need to be established to directly focus on U.S. imperialism and the U.S. government itself. For, as long as the quest for monetary gain continues to be the predominant value within U.S. society, human, animal, and environmental exploitation, destruction, and murder will continue to be a reality. This drive for profits at any cost needs to be fiercely targeted, and those responsible for the massive injustices punished. If there is any real concern for justice, freedom, and, at least, a resemblance of a true democracy, this revolutionary ideal must become a reality. ALL POWER TO THE PEOPLE. LONG LIVE THE EARTH LIBERATION FRONT. LONG LIVE THE ANIMAL LIBERATION FRONT. LONG LIVE ALL THE SPARKS ATTEMPTING TO IGNITE THE REVOLUTION. SOON-ER OR LATER THE SPARKS WILL TURN INTO A FLAME!

[Mr. Rosebraugh's response to questions submitted for the record follow:]

Response to questions submitted for the record by Craig Rosebraugh

These are Craig Rosebraugh's responses to questions posed on 3/1/2 by a person or persons unknown. In the event any response is deemed non-responsive, Mr. Rosebraugh asserts the following objections, rights, and privileges in declining to answer all questions posed at the 12 February 2002 Subcommittee on Forests and Forest Health hearing and to all questions posed by a person or persons unknown by mail and facsimile on 1 March 2002:

Mr. Rosebraugh asserts his right to have the subcommittee's clearcut ruling on all objections interposed, and to have an opportunity to respond before a citation issues should the subcommittee communicate its intent to overrule any objections.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. First Amendment to U.S. Constitution.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. Fifth Amendment to U.S. Constitution.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. Ninth Amendment to U.S. Constitution.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people. Tenth Amendment to the U.S. Constitution.

A committee of Congress can have no general powers to probe the affairs of the citizen.

The penumbral constitutional right to privacy.

The question is double and/or complex, please rephrase it.

The question is asked for an improper purpose, and/or is prejudicial and/or is designed to make witness commit perjury, contempt, or state untruths.

Mr. Rosebraugh is entitled to a transcript of the 12 February 2002 hearing, and to any other statements made on the record under oath by Mr. Rosebraugh to avoid inconsistent testimony under oath.

The question is not pertinent or relevant to an authorized subject matter of the hearing.

The bounds of the power of the committee have been exceeded.

The subcommittee, committee, or the House of Representatives are not authorized to conduct this hearing or conduct this investigation.

House rules and committee rules do not authorize these questions.

The subcommittee has failed to properly apply the House Rule XI(k)(5) to the effect that it shall investigate the witness in executive session if a public hearing might unjustly injure the reputation of a witness.

No probable cause existed for the issuance of the subpoena.

The question is unnecessary for the investigation.

1) Do you view violence against individuals, organizations and other enterprises that work and play on the national forests as a legitimate means of seeking public policy change, specifically with respect to management of the nation's forests?

Yes.

2) Do you believe that destroying Forest Service property is a legitimate means of pursuing public policy change?

Yes.

3) You claim to have never had any role in an ELF related attack, and yet you loudly proclaim the virtues of "direct action" against government and industry. If you believe so deeply in ELF's cause, so much that you encourage and recruit others to partake in that cause, why aren't you willing to engage in the acts of environmentally motivated aggression yourself?

I do not adopt any factual assumptions made in the preamble to your question. I would not be effective as a spokesperson if I were so involved.

4) There is a widely held belief that, if ELF's attacks continue to increase in frequency and magnitude as they have in recent years on the national forests and other places, it is very likely only a matter of time before human life is lost. The FBI has said this, as have many others. Do you share in the view that it's just a matter of time before someone is badly hurt or killed by the ELF?

I do not adopt any factual assumptions made in the preamble to your question. I do not know.

5) Do you still agree with this statement attributed to you in The Bear Deluxe Magazine? "If you are talking about fires, and the use of incendiary devices, there is the danger of people being near or inside that building, or the fire could spread to another building. There are always dangers."

I do not adopt any factual assumptions made in your question. Yes.

6) In late October 1996, a Forest Service truck was firebombed, and an incendiary device that failed to detonate was found planted atop the roof of the Willamette National Forest Building. Fortunately, the device was located and removed and no one was injured. Are you familiar with this attack on the Willamette National Forest? You claim that ELF seeks to protect all life on earth, yet if this device had detonated, it is possible—indeed probable—that someone could have been seriously injured or killed. How can ELF reasonably claim to defend all life, and yet so routinely and recklessly endanger it?

I do not adopt any factual assumptions made in the preamble to your question. See all objections, rights, and privileges asserted above.

7) Do you find it disconcerting that, when ELF firebombed forestry research labs at the Universities of Washington and Minnesota in 2001 and 2002 respectively, the fire quickly spread to other areas on both campuses, potentially endangering lives in buildings not targeted by ELF? In the case of the University of Washington, the fire spread to an adjacent library. And in the case of the University of Minnesota, the man-made fire spread to a soils testing center in the near vicinity.

I do not find it disconcerting that ELF firebombed, without physically harming anyone, research into genetic modification of our natural world for profit. Genetic engineering is a threat to life on this planet. As to the other factual allegations, I do not know whether or not they are true, so I do not feel comfortable commenting on them.

8) Are you personally concerned that one day an ELF or ALF perpetrated attack will wind up killing or wounding someone?

No, I am more concerned with massive numbers of people dying at the hands of greedy capitalists if such actions are not taken.

9) Do the Earth Liberation Front and the Earth Liberation Front's North American Press Office have a tax status? Are they non-profits?

9a) I do not know. Can't you ask the IRS?

9b) I do not know. Can't you ask the Oregon Secretary of State?

10) Do the Earth Liberation Front and the Earth Liberation Front North American Press Office receive outside donations that fund operations, income for ELF press office employs, travel expenses, legal expenses or other incidental costs? If so, what are the sources of these donations?

I do not know.

11) Has the North American Earth Liberation Front ever received direct financial support from any animal rights or environmental groups to support program activities?

I do not know.

12) Has the Earth Liberation Front Press Office ever received contributions from the People for the Ethical Treatment of Animals? Did you ever sign, endorse, cash or deposit a check from PETA on behalf of the Earth Liberation Front Press Office?

I do not recall.

13) To the best of your knowledge, has the Earth Liberation Front or the Earth Liberation Front North American Press Office ever filed income tax returns with the IRS?

I do not know.

14) Did you have any prior knowledge whatsoever that the Earth Liberation Front intended to destroy the Vail lodge with fire?

See all objections, rights, and privileges asserted above.

15) Subsequent to the attacks, have you had any conversations, received any written or electronic communications, or acquired any first or second hand information through any means identifying the perpetrators of the Vail arson?

See all objections, rights, and privileges asserted above.

16) Hypothetically, if you would have had prior knowledge or after the fact knowledge about the Vail arson, or any other ELF attack, would you report it to the authorities?

See all objections, rights, and privileges asserted above.

17) Do you know who Michael Conn is?

Michael Conn is a researcher at the Oregon Regional Primate Research Center in Beaverton, Oregon. Conn wastes hundreds of thousands of federal taxdollars torturing and killing monkeys, a practice which has in no way benefited human health.

18) Were you ever arrested for trespassing on the Oregon Regional Primate Center where Mr. Conn works?

See all objections, rights, and privileges asserted above.

19) Why was there an index card with Mr. Conn's name and home address in your residence? Was either ELF or ALF planning to take "direct action" against Mr. Conn or his property? If not, why was Mr. Conn's name and address in your possession?

See all objections, rights, and privileges asserted above.

20) Leslie James Pickering is the new spokesperson for the Earth Liberation Front. To the best of your knowledge, has Mr. Pickering ever been involved in, had prior knowledge about, aided, abetted or in any way assisted in the commission of an ELF or ALF attack?

See all objections, rights, and privileges asserted above.

21) David Barbarash is the spokesperson for ELF's sister organization, the Animal Liberation Front. To the best of your knowledge, has Mr. Barbarash ever been involved in, had prior knowledge about, aided, abetted or in any way assisted in the commission of an ELF or ALF attack?

See all objections, rights, and privileges asserted above.

22) Rodney Adam Coronado was convicted for his role in a 1992 arson at Michigan State University. To the best of your knowledge, has Mr. Coronado been involved in, had prior knowledge about, aided, abetted or in any way assisted in the commission of an ELF or ALF attack since 1992?

See all objections, rights, and privileges asserted above.

23) In a September 7, 2001 AP story you said of the February 12 hearing: "These people are trying to stop the work of the Earth Liberation Front. I'm not going to participate in any effort that is going to incarcerate any of the people involved in the ELF or stop their work." Do you have specific information that might lead to the incarceration of members of the Earth Liberation Front? If not, why are you afraid of saying something that might lead to the incarceration of ELF members? Is this the reason you chose to repeatedly plead the 5th Amendment in response to questions offered by Members of Congress during the February 12th hearing?

a) No

b) I do not accept your factual assumption in this question. It is clear you want to incarcerate ELF members. I was stating that I was uninterested in helping you.

c) I do not recall.

24) As you know, several members of this Committee wrote a number of national environmental groups, urging them to publicly condemn eco-terrorism, ELF, and, by extension, you. As you also know, all of the organizations did. Does this lack of support among national environmental groups frustrate you? What would you say in response to their condemnations of ELF and ALF?

Are you asking what I know or telling me? Did you really ask them to condemn me or did you letter not even mention me? Are you sure all of the organizations did, or are you exaggerating? Did you select only groups which must rely on the good graces of Congress for "success?"

a) No

b) Throughout the history of social movements globally, struggles have relied upon a variety of tactics, both legal and illegal in nature. I would hope that if those groups are actually concerned with stopping the destruction of the natural environment, they would understand and support this diversity.

25) In your press statement about the Vail lodge firebombing, you said that the area slated for ski-area expansion was some of the last, best lynx habitat in North America. Do you know how long it has been since anyone—environmentalists, biologists, wildlife enthusiasts—has seen a lynx in the area that you called some of the last, best habitat for the lynx in North America?

No I do not, but that is irrelevant to the fact that the area is some of the last, best Lynx habitat in North America.

26) What role if any did you play in creating, writing and speaking in the Earth Liberation Front training video "Igniting the Revolution?" Who paid the production costs? What was the underlying purpose of this video?

a) I spoke in it.

b) I do not recall.

c) Educating the public

27) In that video, and in a number of interviews and other written accounts, you talk about how ELF prefers arson to all other forms of "direct action" because it inflicts maximum economic and symbolic damage on the target. Please elaborate on this.

I think this is accurate. I have no further elaboration to offer.

28) In the ELF's recruitment video and in other public documents, you also talk about the need to attack symbols of corporate capitalism that promote the spread of what you call "the destructive American Dream." Is this correct?

Yes.

29) When you were still serving as the Earth Liberation Front's Spokesperson, a Q & A page appeared on ELF's website called "Frequently Asked Questions About the ELF." Is this document familiar to you? Did you write this? If not, do you know who did?

I do not recall.

30) In the "Frequently Asked Questions" piece the authors listed Mt. Rushmore, the Statue of Liberty and Wall Street on a short list of "forms and symbols of capitalism [that] can be targeted successfully to greatly influence the impact the capitalist state has on life." Remember, in your video and in other places you have frequently said that firebombing is the best tactic to use in a direct action. Taken together, aren't you encouraging ELF's cronies to go out and firebomb the Statue of Liberty? Since ELF has shown no signs of slowing down since 9-11, do you still think that, on an abstract level, it would be a good or desirable thing for the ELF to attack other symbols of capitalism in New York City, like Wall Street offices?

a) I don't know.

b) Yes.

31) Ted Kaczinski, the Unabomber, admitted in Court that he located his last two murder victims on published Earth First! hit lists. Kaczinski is now listed on an Earth Liberation Front related Website (www.spiritoffreedom.org.uk/elf.htm) as a "Prisoner of War." Do you consider Kaczinski a "Prisoner of War" and a comrade-in-arms in the struggle against corporate capitalism?

See all objections, rights, and privileges asserted above.

32) In your opinion, is Kaczinski a member of the Earth Liberation Front?

See all objections, rights, and privileges asserted above.

33) How do you explain this quote taken directly from an ELF-related website (www.spiritoffreedom.org.uk/elf.htm)? "Donations of support (for Kaczinsky) are needed and sincerely appreciated. If you'd like to send support funds, please write Dr. Kaczinski (if you'd like to include a few blank sheets of lines writing paper, NO stamps, it would help him avoid other bureaucratic hassles as well). Thereafter please send donations as a postal money order, blank cheque, etc. (including his name and ID number), DIRECTLY to the address listed below."

My explanation is that there is an attempt to raise donations for Dr. Kaczinski.

34) How long has ELF asked its membership to write and make donations to Kaczinski? How does this support for the Unabomber square with ELF's purported adherence to non-violence toward humans?

a) I am not aware of the ELF asking its membership to make donations to Dr. Kaczinski.

b) I don't know.

35) The Oregonian reported recently that you are attending school at Goddard College and that your master's thesis is "Rethinking Nonviolence: Arguing for the Legitimacy of Armed Struggle." With regard to your thesis, what do you mean by "armed struggle?" "Armed" in what way? In your thesis, will you argue that the time has come for armed resistance against the U.S. government?

a) a movement involving political violence.

b) I am not arguing for one specific sort of political violence.

c) I don't know, it's still a work in progress.

36) Jeffrey Luers was sentenced last year to 23 years in prison on ecoterrorism-related charges. Have you ever met or had any direct or indirect contact with Mr. Luers? What advice would you give this young man as he wastes away in prison for the next 2-plus decades? Are you at all concerned that your fate may be the same as Mr. Luers?

See all objections, rights, and privileges asserted above.

I don't know.

no.

37) When Luers was asked how he first became involved in eco-terrorism in a recent interview conducted by EarthFirst! Journal, he responded: "I was radicalized by anti-authoritarian, anarchist beliefs as well as animal rights. I got involved first in 1997 working for CalPIRG and canvassing for the Sierra Club" Power cedes nothing without demand. The only way to bring about change is to fight for it... Using fire does two things. It destroys 'the targets,' which not only stops the destructive practice they are engaged in, but also causes severe economic damage to those responsible. It also receives media attention. Nothing is more effective at drawing attention to an issue than violence" The mainstream media has been all over it, and sympathetic. I've been given a forum to radicalize other people." Do you share these sentiments?

See all objections, rights, and privileges asserted above.

38) On January 29, 2002, ELF took credit for firebombing the University of Minnesota's Microbial and Plant Genomics Research Center, which at the time was under construction. According to the Dean of the University's College of Biological Sciences, the building was being built to house genomics research focused on "finding ways to reduce use of pesticides and fertilizers in agriculture, find renewable alternatives to fossil fuels, identify new strategies for cleaning the environment, and

preserve ecosystems.” In what way is reducing reliance on pesticides and looking for clean energy alternatives bad for the environment?

I don’t know how those objectives would be bad, but I don’t take the dean’s words as gospel.

39) What gives the ELF the right to impose its incredibly narrow view of environmentalism on researchers at the University of Minnesota who have literally spent their lives searching for ways to keep our environment safe, clean and healthy? What’s more, what gives ELF’s henchman the right to firebomb another person’s property based on differences of opinion about what constitutes “true environmentalism?”

I do not agree with your factual assumptions and biased opinions. I am not convinced that researchers at the U of Minnesota have literally spent their lives searching for ways to keep our environment safe, clean, and healthy. I believe the ELF has the right to uphold natural law, protecting those substances which allow all of us to survive on the planet—clean air, clean water, and clean, healthy soil.

B) see answer to 39a.

40) The Southern Poverty Law Center, a renowned organization dedicated to the preservation and enhancement of civil rights, had this to say about the Earth Liberation Front in its Summer 2001 Intelligence Report: “ELF’s use of underground violence strongly resembles ex-Klansman Louis Beam’s concept of ‘leaderless resistance.’ The ELF is composed of autonomous and secretive ‘cells’ that initiate terrorist acts independently, and do not communicate with or even know one another” like most groups on the radical right today, the ELF sees global capitalism as the enemy” There is an obvious ideological gulf separating the radical right, with its racist and fascist appeals, from the left-wing, environmentalist Earth Liberation Front, which advocates ‘equality, social justice and” compassion for all life.’ But when it comes to the current economic and political system, the two groups increasingly find themselves on the same side.” How do you feel about ELF being compared to the Klu Klux Klan? Is this an accurate comparison? Do you feel a kinship of cause with “racists and fascists,” as the Southern Poverty Law Center contends?

A) That is ridiculous and insulting. I would expect the Southern Poverty Law Center to have more intelligence than that.

B) No.

C) No.

41) Please define “direct action.”

A) Something done or accomplished without intermediary agents or conditions.

42) Do acts of eco-terrorism typically follow after a call for “direct action?”

I don’t know.

43) When the ELF called for “direct action” to protest this hearing, and included the photos, names, and addresses of Members of Congress on the same website (www.protectcivilliberties.com), what was its purpose? Were they seeking to intimidate the Members of this Subcommittee and the witnesses?

A) I was not aware that the ELF “called for “direct action” to protest this hearing.”

B) I do not know.

44) Did you play any role in the construction of the aforementioned website calling for “direct action” in conjunction with this hearing? Did you ever have a conversation with anyone regarding the construction of www.protectcivilliberties.com?

A) yes.

B) I don’t recall.

45) You claim that our environment has gotten progressively dirtier over the years. But the facts don’t support that. The facts tell us that air quality has improved by 64% from 1970–2000, toxins released have declined by 45% between 1988 and 1998, and erosion was reduced 32% between 1982 and 1997. Presently, few trees are harvested off the National Forests than has been the case in a very, very long time. Isn’t it true that ELF’s rationale for firebombing homes and schools and government buildings is grounded in lies and self-serving propaganda rather than in facts?

No. I question the truth of the above stated “facts.”

46) In an ABC News interview last year, you said that “every single social movement that has actually gained success has used a variety of tactics.” In your mind, then, is ELF’s relationship with mainstream environmental groups akin to a one-two punch? If so, what is your response to the countless environmental organizations who condemned ELF, and by extension you, prior to the February 12 hearing? Do you feel any disdain for mainstream environmentalists based on their unwillingness to take direct action to protect the environment?

A) No.

B) I am not aware of countless environmental organizations condemning me and ELF prior to the February 12 hearing. I prefer to respond to groups after I know what they have said. Can you please send me each organization's response?

C) No.

47) An Indiana based Internet news-service (Nuvo.net) ran a story on ELF following an April 30, 1999 ELF attack on construction and logging equipment associated with a highway expansion project near Bloomington, Indiana. The story featured the comments of an individual associated with an environmental group called Valley Watch. With regard to ELF's attack on the construction site, he said "As a non-violent environmental activist, I can tell you that's not my style. But we're all upping our pressure these days, and I can certainly understand the frustration that leads someone to take these kinds of actions" I'm not going to condone ELF, but I'm not going to condemn them either. After all, violence against property is not violence against people." Publicly, the vast majority of mainstream environmental groups have condemned ELF, and you personally for that matter. Do you think a lot of mainstream above ground environmental groups share the sentiments of this individual from Valley Watch, public condemnations notwithstanding?

I have no idea.

48) On April 30, 2000 ELF, through you Mr. Rosebraugh, took credit for sabotaging construction and logging equipment used for a highway expansion project 45 miles from Indianapolis, Indiana. Do you remember issuing a statement of credit for ELF in conjunction with the Indiana attack?

I don't recall.

49) In an interview with an Indiana Internet news provider (www.nuvo.net) following the aforementioned attack, you went beyond merely admitting that ELF was responsible for the April 30 siege. You told the news outlet this: "I wouldn't be surprised to see more ELF direct action in the future over there." Those comments are interesting because exactly two months later, on June 30, ELF took part in a large-scale tree spiking in the same great State of Indiana, just as you had forecasted. Your prediction of additional attacks on April 30 was one of three things: (1) an incredibly good guess; (2) a prescient moment on your part; or (3) the product of direct knowledge that ELF would attack again in the area. Which one was it: a good guess, a prescient moment or direct knowledge?

A good guess.

50) Who first contacted you about serving as the spokesperson for the Earth Liberation Front? How did he/she contact you?

Jesus Christ

It was a spiritual sort of thing.

51) During the time you served as spokesperson for the Earth Liberation Front, how did you support yourself?

muffins.

52) During your time with the Earth Liberation Front Press Office, how large was the staff? If there were other staff, were they volunteers or working on a paid basis?

See all objections, rights, and privileges asserted above.

53) Why did you resign as a spokesperson for the Earth Liberation Front?

To step back from the spotlight and allow others to come forward and demonstrate their ideological and philosophical support of the ELF.

54) Do you still communicate with the Earth Liberation Front and Animal Liberation Front Press Offices? If so, how often?

See all objections, rights, and privileges asserted above.

Mr. MCINNIS. Thank you, Mr. Rosebraugh.

Under those circumstances, we will now proceed with questions from the Committee, and I will begin the questions.

Are you currently affiliated with the Earth Liberation Front?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. MCINNIS. Mr. Rosebraugh, did you play any role in creating, writing or speaking in the Earth Liberation Front training video "Igniting the Revolution?"

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. MCINNIS. Mr. Rosebraugh, is that your voice on that training film?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. MCINNIS. Mr. Rosebraugh, do you share in the view that it is just a matter of time before someone is badly hurt or killed by the Earth Liberation Front?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Mr. Rosebraugh, you have retained counsel. Who is paying your attorney fees to be represented today?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Are those fees being paid by the Earth Liberation Front?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. MCINNIS. Do you agree with this statement, Mr. Rosebraugh? Quote: "If you are talking about fire and the use of incendiary devices, there's a danger of people being near or inside the building, or the fire could spread to another building. There are always dangers," unquote.

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. MCINNIS. Do you acknowledge that you made that statement, that is a quote given by you?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Mr. Rosebraugh, do you find it disconcerting that when Earth Liberation Front members firebombed forestry research labs at the Universities of Washington and Minnesota in 2001 and 2002, respectively, the fire quickly spread to other areas on both campuses, potentially endangering lives and buildings not targeted by Earth Liberation Front?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Do the Earth Liberation Front and the Earth Liberation Front's North American press office have tax status?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Are they nonprofits?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. MCINNIS. Do the Earth Liberation Front and the Earth Liberation Front North American Press Office receive outside donations that fund operations income for ELF press office employees, travel expenses, legal expenses or other incidental costs?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. MCINNIS. If so, what are the sources of those donations?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Does the North American Earth Liberation Front ever receive direct financial support from any animal rights or environmental groups to support program activities?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Mr. Rosebraugh, do you know a Michael Kahn?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Mr. Rosebraugh, were you ever arrested for trespassing on the Oregon Regional Primate Center where Mr. Kahn works?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. The Committee's information, Mr. Kahn is a special assistant to the president of the Oregon Health and Sciences University. According to published reports, the FBI found a file card in Mr. Rosebraugh's home during a court-ordered search, with Mr. Kahn's name and home address written on it. According to Mr.

Kahn, Mr. Rosebraugh had been previously arrested for trespassing at Mr. Kahn's university research lab.

Mr. Rosebraugh, why was there an index card with Mr. Kahn's name and home address in your residence?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Was either ELF or ALF planning to take direct action against Mr. Kahn or his property?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Are you planning any future acts that would violate the law of the state or the United States?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Mr. Rosebraugh, do you know a Leslie James Pickering?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Is Mr. Pickering the new spokesman for the Earth Liberation Front?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. To the best of your knowledge has Mr. Pickering ever been involved in, had prior knowledge, aided, abetted, or in any way assisted in the commission of an ELF or ALF attack?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. INSLEE. Mr. Chair, may I make an inquiry?

Mr. MCINNIS. Yes.

Mr. INSLEE. I note that the witness has provided a statement to the Committee. And I am wondering if the Committee has given any thought whether the witness has waived his Fifth Amendment privileges by essentially providing information. And I make that point of inquiry. I don't know how we are going to resolve this at this moment, but in the event that a court ever investigates this, I would like to make it a point that the witness has provided information, and that may result in a waiver of his Fifth Amendment rights in regard to the Committee's inquiry.

It is something that, Mr. Rosebraugh, I think you should consider, and obviously your counsel as well. From my knowledge of it, my understanding of the law is that once the witness has provided information pursuant to request, and you have arrived as a result of subpoena, that you have in fact waived that right. And I just wonder if you or your counsel might address that issue because this may come up at a later legal context, and I would invite you to address that or your attorney to, if you think that is appropriate, Mr. Chair.

Mr. MCINNIS. I am not clear, Mr. Inslee. Are you directing a question? I would be happy to yield some time to you. Are you directing a question to Mr. Rosebraugh?

Mr. INSLEE. Well, I think it would be important for the Committee to give Mr. Rosebraugh or his attorney—tell us why you have not waived the Fifth Amendment since you have provided this Committee with information?

My understanding is, at least in certain context, once a witness has provided information subject to an inquiry—and you have arrived as a result of subpoena—you no longer have the right to claim the Fifth Amendment privilege. And I think perhaps for future reference, perhaps you or your attorney should address that issue for the Committee. If I may inquire that, Mr. Chair?

Mr. MCINNIS. Mr. Inslee, that would be appropriate during your questioning.

Let me also advise counsel that counsel is not allowed to testify in front of the Committee. Counsel's rights in front of the Committee are restricted to advising your client of legal rights that he has, and even that advice is restricted simply to the constitutional amendment of self-incrimination. So, counsel won't be able to answer that, but if you would like to direct your questions at a later point, Mr. Inslee, you are more than welcome to.

Mr. INSLEE. Are you done with your inquiry or would you like to—

Mr. MCINNIS. No. I will reclaim my time.

Let me ask of the witness here. In September 7th, 2001 Associated Press said that you said of today's hearing: "These people are trying to stop the work of the Earth Liberation Front. I'm not going to participate in any effort that is going to incarcerate any of the people involved in ELF or stop their work."

Mr. Rosebraugh, do you have any specific information that might lead to the incarceration of members of the Earth Liberation Front?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Mr. Rosebraugh, if not, are you concerned that any of the statements that you might make might lead to the incarceration of an Earth Liberation member?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. For the record, and to make it very clear to the witness, any person who has been summoned as a witness before a duly authorized congressional Committee, who, quote: "refuses to answer any question pertinent to the question under inquiry," unquote, subject to fine, imprisonment of up to 1 year, 2 United States Code 192.

Do you still refuse to answer the questions that were presented to you?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. MCINNIS. Mr. Inslee, you may proceed.

Mr. INSLEE. Thank you, Mr. Chairman.

Mr. Rosebraugh, you heard my concern about the issue of waiver of the Fifth Amendment. I would ask either you or your counsel to address this issue.

Mr. MCINNIS. Mr. Inslee, let me clarify for you that counsel is not before this Committee as a witness. The counsel will not be allowed to testify on behalf of his client. If Mr. Rosebraugh wishes to answer your question, he may. Counsel's role in here is strictly restricted to advising his client of his constitutional right under the Fifth Amendment.

Mr. INSLEE. I appreciate you trying to save Mr. Rosebraugh some legal fees.

Mr. Rosebraugh, let me just ask you. Why do you believe you have not waived the Fifth Amendment, even though you have already provided the Committee information through a rather comprehensive statement?

Mr. ROSEBRAUGH. Sir, on that particular question, I'll take the Fifth Amendment.

Mr. INSLEE. Might call that a Catch-22, it sounds like.

Mr. ROSEBRAUGH. You might.

Mr. INSLEE. I just want to ask you a few questions, and perhaps it is more of a statement than anything, but I just want to read you a statement about Martin Luther King.

Mr. King was dealing with frustration about Federal Government policies back in the '60's, and he said, quote: "The limitation of riots, moral questions aside, is that they cannot win and their participants know it. Hence, rioting is not revolutionary but reactionary because it invites defeat. It involves an emotional catharsis, but it must be followed by a sense of futility." Close quote. Do you agree with that statement?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. INSLEE. Mr. Rosebraugh, are you familiar with a group of people in the State of Washington a couple years back who were concerned about the treatment of animals, and they had a couple choices available to them. They could go down and burn a building down or blow something up, or they could work through the democratic process and bring in an initiative. And they brought an initiative and they changed the law regarding trapping of animals, prohibited trapping in certain circumstances of cougars and the like, and they succeeded in a democratic method of changing the law of the State of Washington. Rather than doing it through violence, they did it through the ballot box. Are you familiar with that?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. INSLEE. Is it fair to say you are going to take the Fifth Amendment of everything we ask you here today?

Mr. ROSEBRAUGH. Again, sir, I will take the Fifth Amendment.

Mr. INSLEE. Thank you, Mr. Chair.

Mr. MCINNIS. Mr. Hansen?

Mr. HANSEN. I have no questions.

Mr. MCINNIS. Mr. Holt?

Mr. HOLT. I think it would not be productive to ask questions at this time. Thank you, Mr. Chairman.

Mr. MCINNIS. Mr. Peterson?

Mr. PETERSON. I will pass.

Mr. MCINNIS. Ms. McCollum?

Ms. MCCOLLUM. Thank you, Mr. Chair. I am just curious.

This written testimony, sir, written testimony supplied to the U.S. House Subcommittee on Forests and Forest Health for the February 12th, 2002, Hearing on Eco-terrorism. Your name is on it, that it is submitted to the House on February 7th, 2002. Is this your document?

Mr. ROSEBRAUGH. Well, I submitted a document. I am not sure if that particular document is the one I submitted.

Ms. MCCOLLUM. Well, we usually don't fool around with evidence.

So, Mr. Chair, I won't bother to ask any questions. But let me just read a couple lines from the last page of this document.

Mr. MCINNIS. Perhaps it would be appropriate if the document were shown to the gentleman so he can affirm that that is the document that they have submitted. Would some member of the staff take a copy?

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. MCINNIS. That way we know what we are talking about so we won't have that issue come up later.

Ms. MCCOLLUM. I am sure we are thorough, Mr. Chair. Your staff is very careful.

Mr. MCINNIS. I know, but I want to make it very clear.

Mr. Rosebraugh, is that in fact the document that you submitted to the Committee?

Mr. ROSEBRAUGH. Well, I have not had a chance to read it over yet. I'll take the Fifth.

Mr. MCINNIS. You may proceed, Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. And I was reading through this rather quickly, but page 11 really caught my attention to my colleagues here. Second to the last paragraph.

Quote: "I fully praise those individuals who take direct action, by any means necessary, to stop the destruction of the natural world and threats to all life."

Last paragraph, quote: "It's my sincere desire that organizations such as the Earth Liberation Front continue to grow and prosper in the United States. In fact, more organizations, using similar tactics and strategies, need to be established to directly focus on U.S. imperialism and the U.S. Government itself." End of quote.

Mr. Chair, you have before you something that we are going to be submitting into the record from the University of Minnesota. Our College of Biological Sciences suffered an attack, and that's what it was, on January 28th, by the Earth Liberation Front. They took full claim for this action. It has been in the newspaper, it has been widely reported. On the morning of Saturday, January 26th, incendiary devices were placed in a construction trailer. There was \$250,000 worth of damage done that does not include the loss of research which has not been totaled yet. There were no deaths or injuries, but it is not uncommon for faculty and graduate students to work in labs after hours, evenings and weekends. The University of Minnesota is an extraordinarily urban setting.

So, Mr. Chair, our witness doesn't even appear to want to even state for the record that these are his words that he provided for the Committee. I quote again from his testimony on page 11. "It is my sincere desire that organizations such as the Earth Liberation Front continue to grow and prosper in the United States. In fact, more organizations, using similar tactics and strategies, need to be established to directly focus on U.S. imperialism and the U.S. Government itself."

Mr. Chair, the State of Minnesota, as we are meeting, is meeting in their legislative session, and they are looking at passing state versions of the terrorist bill such as are before us.

Mr. Chair, thank you for the hearing. It is most unfortunate that the witness now will not recognize his own words that he provided the Committee.

Mr. MCINNIS. Do I have any other member of the Committee that wishes to ask questions? Yes, Mr. Duncan, you may proceed.

Mr. DUNCAN. I won't ask any questions, Mr. Chairman, but I do—and I don't waste the time of the Subcommittee, but I do want to thank you for calling this hearing, and I want to associate myself with your remarks and those of Chairman Hansen, particularly his remarks about working within the system. There is a right way

to do things and there is a wrong way to do things, and there is a legal way to do things and an illegal way.

And I have noticed for several years now that environmental extremism in this country has hurt, has very much hurt the poor and the lower income and the working people of this country by destroying jobs and driving up prices. That is who these people are hurting. And they are really hurting the cause that they profess to believe in by resorting to violence and the extremism that causes I think most people to think that they probably sick, and probably need some help to resort to the tactics that these people have used.

And so I thank you for calling this hearing and I hope we can move on very quickly to the legitimate witnesses, who have the guts and the courage to stand up for what they believe in, and not hide behind the Fifth Amendment. Thank you very much.

Mr. INSLEE. Will the gentleman yield just for a minute?

Mr. DUNCAN. Well, let me say this. I think, Mr. Inslee, that you may have had a good point about the waiving the Fifth Amendment privilege when you made your statement a while ago.

Mr. INSLEE. I appreciate that comment. I just want to elaborate on something you said about, that I agree with, in that this type of action is damaging to those, including myself, who have been working on environmental values in U.S. Congress.

And the reason I said that is instead of looking at issues today, why the U.S. Forest Service has not historically enforced environmental laws, why they have only done so when required to by the courts, why the administration has taken some actions on environmental issues that we believe of damaging to the environment, instead of focusing on those issues, here we are today focusing on the fact that these folks burned down an educational building in the University of Washington. That does not help the environmental movement in this country. It hurts it. And that is why being angry about this, the folks that ought to be the angriest about it are those like myself who are fighting to protect the roadless area, who are fighting for clean water acts, who are fighting for mining reform. And that is why this is a bipartisan issue because this does not help our agenda.

And I appreciate your comment. Thank you.

Mr. MCINNIS. Ms. Hooley?

Ms. HOOLEY. No questions.

Mr. MCINNIS. Mr. Simpson?

Mr. SIMPSON. Thank you, Mr. Chairman.

And I would just I guess respond a little bit. I don't think the administration, quite frankly, has been anti-environmental by any stretch of the imagination. In fact, many of the things we've been doing have been in accordance with the law because the previous administration and their roadless policy did not follow the law as the law is written. But I just want to say—

Mr. MCINNIS. Mr. Simpson, Mr. Simpson, I would like to restrict our remarks to the witness and not a debate amongst members.

Mr. SIMPSON. We will, and I appreciate that.

I just want to say it is very nice to have a witness who has such concise and consistent testimony.

[Laughter.]

Mr. SIMPSON. You don't find that very often, but it is also nice to have a witness that is so proud of the work that he does that he refuses to talk about it.

Mr. MCINNIS. Mr. Tancredo?

Mr. TANCREDO. Thank you, Mr. Chairman.

Just two quick questions in light of Mr. Inslee's remarks.

Mr. Rosebraugh, you have heard Mr. Inslee articulately state the concern he has about the damage that he believes your lack of responsiveness here today may have on the environmental movement.

With that in mind, would you now take the opportunity to disavow any of the statements that you submitted to this Committee through your written testimony?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. TANCREDO. Would you take this opportunity to advise those groups that do take the law into their own hands, commit acts of violence to further their own cause, would you take this opportunity to ask them to stop that, and recognizing that, as Mr. Inslee says, they are doing no justice to your cause?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. TANCREDO. Thank you, Mr. Chairman.

Mr. MCINNIS. Mr. Hayworth.

Mr. HAYWORTH. Thank you, Mr. Chairman.

Mr. Rosebraugh, when we look at the written statement that has your name attached to it, despite your Fifth Amendment response, appears to be authentic from you, and hearing the gentlelady from Minnesota read from it, I am especially struck by the final statements in all capital letters for emphasis. Let me quote now:

"ALL POWER TO THE PEOPLE. LONG LIVE THE EARTH LIBERATION FRONT. LONG LIVE THE ANIMAL LIBERATION FRONT. LONG LIVE ALL THE SPARKS ATTEMPTING TO IGNITE THE REVOLUTION. SOONER OR LATER THE SPARKS WILL TURN INTO A FLAME!"

Mr. Rosebraugh, is that a call to revolutionary action?

Mr. ROSEBRAUGH. I will take the Fifth Amendment on that question.

Mr. HAYWORTH. Mr. Rosebraugh, do you believe that arson and violence are reasonable expressions in a free society?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. HAYWORTH. Mr. Rosebraugh, I would bring to your attention and that of the full Committee and those who join us today, the lead story in my hometown newspaper, "The Arizona Republic." "Preserves Arsonist Sentenced 18 Years for Torching Homes." This man, Mark Sands, convicted and sentenced yesterday by U.S. District Judge Susan Bolton, had something to say that perhaps would be advisable to take into account, especially those who may be inclined toward violence and anarchy and eco-terrorism.

Quoting Mark Sands now, convicted of these fires. Quote: "I believe then, and yes, it was arrogant, that the fires and threats would make a difference." Continuing his quote: "There is no environmental or religious excuse for terrorism of any kind." Close quote.

Yes, a witness does have a right to plead the Fifth Amendment, to talk about the necessity of doing so to ensure against self-re-

crimination. It is constitutional, but the irony that we see here today is the employment of the Fifth Amendment in a way where if one's name is attached and one has the courage of one's convictions, shouldn't it follow that they have the courage to risk conviction?

I have no further questions, Mr. Chairman.

Mr. MCINNIS. The Chair points out to the Committee at this point in time, just because someone pleads the Fifth Amendment doesn't mean that the individual is entitled to the Fifth Amendment for the specific question that has been asked, so I would advise the members that if you feel a question, that you would like to ask him a question of which pleading the Fifth Amendment would not be an appropriate response, we do intend to take full course on this matter, any legal counsel subsequent to the meeting. So I would advise the Committee to ask those questions.

So, Mr. Otter, if you have any questions, you may proceed.

Mr. OTTER. Well, thank you very much, Mr. Chairman.

I guess I don't have any questions, because I believe I have already heard the response that I am going to get. But I would just make an observation, and that is, that it seems just a little uncommitted, I guess, to the cause for the very person who will now run and hide behind the Constitution and the laws of the United States, thought so little of them when they were the laws and the Constitution that protected other people's properties and other people's rights. There is no commitment there, and don't fool yourself into thinking there is one.

Thank you, Mr. Chair.

Mr. MCINNIS. Mr. Walden.

Mr. WALDEN. Thank you very much, Mr. Chairman.

I am tempted to ask the witness, given his response to the various questions, if he is in any way related to Ken Lay.

[Laughter.]

Mr. WALDEN. Who seems to be taking his own share of Fifth Amendment answers. Are you in any way related?

Mr. ROSEBRAUGH. I'll have to take the Fifth Amendment on that, sir.

Mr. WALDEN. I thought maybe you would. Mr. Rosebraugh, you say that the environmental movements failed to ensure the necessary protection either to ensure life on this planet will continue to survive. What protections are needed?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment on that question.

Mr. WALDEN. Is there something in that question that would somehow incriminate you by answering?

Mr. ROSEBRAUGH. Sir, on that question I'll take the Fifth Amendment.

Mr. WALDEN. What actions can society, industry or government officials take that would satisfy the needs you've outlined in your testimony?

Mr. ROSEBRAUGH. I will take the Fifth Amendment on that question.

Mr. WALDEN. There is something in my question that would cause you to incriminate yourself?

Mr. ROSEBRAUGH. Once again, I'll take the Fifth Amendment.

Mr. WALDEN. You state there are a large number of threatened endangered species present on national forests because large-scale destruction of their habitat has decimated their ecosystem. Studies indicate the large number of threatened endangered species present on the national forest is because these forests represent a refuge of the habitats required.

What evidence do you have that the national forests are decimated ecosystems rather than havens of refuge for stresses species?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. WALDEN. Do you see any positive role for science in society today?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. WALDEN. Is there anything in that question that would cause you to incriminate yourself before this Committee?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. WALDEN. How would you see it appropriate for humans to seek knowledge of the world around us?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. WALDEN. Mr. Rosebraugh, are you familiar with the recent communiqué from the Earth Liberation Front claiming responsibility for the arson of a construction site on the St. Paul campus of the University of Minnesota?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. WALDEN. Are you familiar with any of the communiqués, some of which bear your name regarding the arson that occurred in Oregon in the last half a dozen years?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. WALDEN. Have you ever given an interview to anybody in the press regarding any of ELF's activities?

Mr. ROSEBRAUGH. I will take the Fifth Amendment.

Mr. WALDEN. Mr. Chairman, I want to go back to something my colleague from Arizona said, quoting from testimony supplied by Mr. Rosebraugh to the Committee.

And again, in emphasis it says: "ALL POWER TO THE PEOPLE. LONG LIVE THE EARTH LIBERATION FRONT. LONG LIVE THE ANIMAL LIBERATION FRONT. LONG LIVE ALL THE SPARKS ATTEMPTING TO IGNITE THE REVOLUTION. SOONER OR LATER THE SPARKS WILL TURN INTO A FLAME!"

Mr. Rosebraugh, I am quoting from what is supposed to be your testimony. Is that an accurate quote from your testimony?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. WALDEN. You won't even tell us if the testimony I am reading from that bears your name is your own testimony to this Committee?

Mr. ROSEBRAUGH. Like I just said, sir, I'll take the Fifth Amendment.

Mr. WALDEN. And this is the testimony that was again provided for your review, but you can't tell us whether these are your words?

Mr. ROSEBRAUGH. Once again I'll take the Fifth Amendment.

Mr. WALDEN. Was I correct in hearing though earlier, you did indicate that you did submit testimony to this Committee; is that not correct?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. WALDEN. So now you won't even tell us whether or not what you told us before is correct?

Mr. ROSEBRAUGH. As comical as it may seem, I will take the Fifth Amendment.

Mr. WALDEN. This is a very serious question. I am trying to figure out if this is your testimony. My Ken Lay comment might have been comical on its face for some.

Mr. Chairman, I see no further point in proceeding with this witness at this time. All we get is the Fifth Amendment. So I yield back whatever time I may have left.

Mr. MCINNIS. Mr. Nethercutt.

Mr. NETHERCUTT. Thank you, Mr. Chairman.

Mr. Rosebraugh, are you a citizen of the United States of America?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment.

Mr. NETHERCUTT. Were you to answer that question, therefore—

Mr. MCINNIS. Mr. Nethercutt, may I interrupt for a moment, please?

Mr. NETHERCUTT. Sure.

Mr. MCINNIS. Thank you. I appreciate you yielding to the Chair.

Counsel, it may be an appropriate time for you to advise your client. Obviously, there are questions being asked here which do not fall under the protection of the Fifth Amendment. For example, "Do you believe in science?" "Are you a citizen of the United States of America?"

If counsel would like a moment to visit with his client, I will allow that. I want counsel to be advised we will pursue this type of behavior in front of Congress. It is not going to be acceptable behavior. There are questions he can answer, as counsel knows, that fall outside the scope of that protection. Does counsel wish to advise his client?

[Pause as Mr. Sugarman advises Mr. Rosebraugh.]

Mr. MCINNIS. Obviously, it is the Committee's intent not to have you incriminate yourself but to have a legitimate discussion, and I would advise the witness that this is exactly the kind of forum under which you are allowed to project some of your views and we can have those kind of discussions. Clearly, we have very intense debate over on the floor of the House of Representatives, and we are able to carry those out in a civil way, and I would hope that we could do that today.

Mr. Nethercutt, if you would like to proceed or start again with your question?

Mr. NETHERCUTT. Well, I would restate my question, sir. Are you a citizen of the United States of America?

Mr. ROSEBRAUGH. Yes, sir.

Mr. NETHERCUTT. And do you agree that the United States Constitution is the law of the land?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment on that question.

Mr. NETHERCUTT. So in taking the Fifth Amendment on that question, you, by answering affirmatively to that question, would you believe that you would be somehow incriminating yourself; is that correct?

Mr. ROSEBRAUGH. I'll take the Fifth Amendment to that one as well.

Mr. NETHERCUTT. Mr. Chairman, I think that is an answerable question.

Mr. MCINNIS. Let me tell you what the intent of the Committee is, Mr. Nethercutt. Obviously, the witness has no intention of cooperating in any sense whatsoever, and it is not a surprise. But it is not without repercussions. There are legal repercussions to the action that the gentleman is taking.

What we will do is we will submit written questions. Makes it easier for us, more difficult for him. We will submit written questions to the witness, under which we will ask the witness to answer. If the witness refuses to answer or pleads—by pleading the Fifth Amendment, we will resubmit the questions. If he at that point in time refuses, then this Committee will meet and go over those questions and have a vote on whether to issue a contempt of Congress. I fully intend to proceed with that.

Fortunately, today we have a number of witnesses who are very cooperative and who want to discuss this matter with us. I think this is a waste of time. Again, not a surprise. I do want to wrap this up.

Mr. Rosebraugh, you have a couple of people that you probably know who were just sentenced in Santa Cruz, California. And I want you to know that here's what their response was at the sentencing. Pausing frequently to keep his composure Whyte told the Court, "I have a lot of regret for what I've done. I know there are better ways to go about creating change."

He was one of yours. He's now come across.

Another one, Schnell. "I still definitely believe in compassion toward animals. I am ready to make a change in my life, ready to take responsibility. I have much regret."

Mr. Rosebraugh, I look forward to the day that you cross that line and put your energy and your efforts into a constructive fashion, because, frankly, as Mr. INSLEE said, you can be to the benefit of the environmental movement instead of taking away from the credibility of the organization that I suppose you probably believe pretty strongly in.

If there are any additional questions of the Committee—I will be submitting written questions—I invite any member of the Committee to submit questions to the chief-of-staff and—pardon me, Mr. Otter, do you have a question?

Mr. OTTER. Mr. Chairman, may I inquire of the Chair?

Mr. MCINNIS. Yes.

Mr. OTTER. Would that be within the next 5 days?

Mr. MCINNIS. Well, we are not limited, but just for the logistics in the next 5 or 10 days, if you would submit written questions that you would like submitted to the witness, we will proceed with that.

Mr. OTTER. Thank you, Mr. Chairman.

Mr. INSLEE. Mr. Chairman?

Mr. MCINNIS. Yes, Mr. Inslee?

Mr. INSLEE. I just wanted to advise the Committee, since we have been talking about this, I asked counsel to check with the parliamentarian, the House parliamentarian, who advised that giv-

ing a written statement does not waive the Fifth Amendment, and I just think this is something we ought to as a Committee look at and try to get resolution of before our next meeting. Because the opinion I ventured may or may not be accurate. The parliamentarian seems to think it is not. So I think we just need to get that resolved before our next meeting.

Mr. MCINNIS. Mr. Inslee, I agree with you. The written questions does not require the witness to waive his Fifth Amendment rights. We are not asking him to waive those rights. What the written questions do is allow us to differentiate between questions which legitimately fall within the Fifth Amendment and those questions which fall outside the ability of the witness to plead the Fifth Amendment.

So my point in submitting the—let me say here, Fifth Amendment to protect another person. Fifth Amendment privileges are personal and cannot be invoked on behalf of another person, which he has invoked during this questioning. They cannot be invoked on behalf of a corporation, which he has done in this questioning, or of an artificial entity.

So my point is, we will submit him written questions. I suppose he will probably take the Fifth, although I hope he doesn't, but if he does, we will then determine with a Committee meeting which of those questions fall within his rights of the Fifth and which fall outside of it. Those that fall outside of it, I will then ask the Committee for a vote of contempt of Congress on those particular questions, but we are not asking him to waive his right, nor do we think he has waived his right by receiving written questions.

I thank the witness. The witness is excused.

Mr. MCINNIS. And now I will introduce the witnesses on our third panel. On Panel III. and the Committee I think will find this a little more constructive. On Panel III we have Mr. James Jarboe, Section Chief, Domestic Terrorism/Counterterrorism Planning Section, Federal Bureau of Investigation; Mr. Porter Wharton III, Senior Vice President of Public Affairs, Vail Associates, Inc., and a long-time friend of mine, welcome; Mr. Michael Hicks, Northwest Oregon Area Logging Manager, Boise Cascade Corporation; Mr. Rick Berman, Executive Director of The Center for Consumer Freedom.

Now, I would like to do the same with the new panel. If you would just please stand and raise your right hand, I will administer the oath.

Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

MEMBERS OF PANEL III. I do.

Mr. MCINNIS. Thank you, you may be seated.

I remind the witnesses again about the 5-minute rule, and I would ask Mr. Jarboe for his statement. You may proceed, sir.

**STATEMENT OF JAMES F. JARBOE, SECTION CHIEF,
COUNTERTERRORISM DIVISION, DOMESTIC TERRORISM/
COUNTERTERRORISM PLANNING SECTION, FEDERAL
BUREAU OF INVESTIGATION, WASHINGTON, D.C.**

Mr. JARBOE. Thank you, Mr. Chairman, and Committee members. I have submitted a written statement. I won't read that to the record in the interest of time, but I would like to make a couple very short comments before we begin, and then I'll be happy to answer any questions.

First of all, the FBI considers the definition of "terrorism" to be unlawful use or threatened use of violence by a group or individual committed by—

Mr. MCINNIS. If I might, I am sorry. This microphone doesn't work so well. Could you begin your statement again, and a little closer to the mike? Thank you, sir.

Mr. JARBOE. Certainly. Again, in the interest of time, I won't read my written statement, but I will submit that.

I'd like to define "terrorism" as far as the FBI's perspective goes. Terrorism is the unlawful use or threatened use of violence by a group of individual committed against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

If Mr. Rosebraugh had chosen to testify, I'm sure he would have told the panel, which is evident from his written statement, that he and ALF/ELF do not consider the actions that they take to be acts of violence.

These direct actions, I submit, are acts of violence. You can ask any fireman who's responded to one of the arsons, and is more eloquently stated by the Members of Congress who testified before me, have covered that territory.

We can also ask the business persons whose businesses are destroyed, the new homeowners whose homes are destroyed by arson before they're completed, whether they believe ALF/ELF actions are acts of violence. I would submit that they would.

We can document approximately or in excess of \$43 million of damage from 1996 to the present that have taken place by these acts of violence and acts of lawlessness, not to mention the untold amount of time and money and effort that's been lost through the destruction of research projects, and we have no way of knowing what would have been the results of those research projects, should they have come to completion, how beneficial that would have been to society.

The way we're attacking the ALF/ELF issue is primarily through our Joint Terrorism Task Force, as we have 44 JTTFs throughout the FBI right now in 44 of our 56 field offices. With additional funding that we've recently received, we are pushing to get JTTFs in all 56 field offices by the end of this year.

There have been a small number of arrests. I know that's very frustrating to the public. It's very frustrating to us as well. There are a few reasons why that happens. Constitutional guarantees, it's a thin line to walk between constitutionally guaranteed activity and criminal activity, and we must make every effort not to step over that line and violate citizens' rights.

We also have learned, and everyone I believe is aware, that there's no defined hierarchal structure within ALF/ELF. It's a very loose knit group, a cell, persons, two, three, four get together, plan an act, do it, and then claim it on the part of ALF/ELF without a hierarchical structure as you would find in La Cosa Nostra or some other organized crime entity. Very, very difficult to get into the group and do routine investigations that we'd like to in a more sophisticated level.

The major concern I have with this group, is if you look at the history of the ALF movement, ELF movement, the Animal Liberation Front, et cetera, they started out rather peaceful in their demonstrations to stop fox hunting in England. Same thing on the environmental front for ELF. But over the course of time, splinter groups within the body have been frustrated with the lack of action or lack of intensity of action on the part of the main body, have split off and have taken more intense action, more violent action, if you will. This splintering has continued over the course of time, and it is still continuing.

What we have seen in other civil disturbance areas is as time passes, those who become frustrated with the quote/unquote mainstream of these elements will take the next step. If this continues, then the violence that we've seen now is just a shadow of what's coming, and I think that's probably the most dangerous thing that we can see on the future horizon, and we certainly are putting a tremendous amount of effort into slowing this down and stopping it.

The only thing that we've had to really put us behind what we expected to have in place by now are the events of September 11th, when we threw every resource that we had into that attack, and followed shortly after by the anthrax attack.

We're regrouping now, and ALF/ELF is at the top of my list as far as domestic terrorism issues to address, and I can ensure the members here that this issue will be addressed.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Jarboe follows:]

**Statement of James F. Jarboe, Domestic Terrorism Section Chief,
Counterterrorism Division, Federal Bureau of Investigation**

GOOD MORNING CHAIRMAN MCINNIS, VICE-CHAIRMAN PETERSON, CONGRESSMAN INSLEE AND MEMBERS OF THE SUBCOMMITTEE. I AM PLEASED TO HAVE THE OPPORTUNITY TO APPEAR BEFORE YOU AND DISCUSS THE THREAT POSED BY ECO-TERRORISM, AS WELL AS THE MEASURES BEING TAKEN BY THE FBI AND OUR LAW ENFORCEMENT PARTNERS TO ADDRESS THIS THREAT.

THE FBI DIVIDES THE TERRORIST THREAT FACING THE UNITED STATES INTO TWO BROAD CATEGORIES, INTERNATIONAL AND DOMESTIC. INTERNATIONAL TERRORISM INVOLVES VIOLENT ACTS OR ACTS DANGEROUS TO HUMAN LIFE THAT ARE A VIOLATION OF THE CRIMINAL LAWS OF THE UNITED STATES OR ANY STATE, OR THAT WOULD BE A CRIMINAL VIOLATION IF COMMITTED WITHIN THE JURISDICTION OF THE UNITED STATES OR ANY STATE. ACTS OF INTERNATIONAL TERRORISM ARE INTENDED TO INTIMIDATE OR COERCE A CIVILIAN POPULATION, INFLUENCE THE POLICY OF A GOVERNMENT, OR AFFECT THE CONDUCT OF A GOVERNMENT. THESE ACTS TRANSCEND NATIONAL BOUNDARIES IN TERMS OF THE MEANS BY WHICH THEY ARE ACCOMPLISHED, THE PERSONS THEY APPEAR INTENDED TO INTIMIDATE, OR THE LOCALE IN WHICH PERPETRATORS OPERATE.

DOMESTIC TERRORISM IS THE UNLAWFUL USE, OR THREATENED USE, OF VIOLENCE BY A GROUP OR INDIVIDUAL BASED AND OPERATING ENTIRELY WITHIN THE UNITED STATES (OR ITS TERRITORIES) WITHOUT FOREIGN DIRECTION, COMMITTED AGAINST PERSONS OR PROPERTY TO INTIMIDATE OR COERCE A GOVERNMENT, THE CIVILIAN POPULATION, OR ANY SEGMENT THEREOF, IN FURTHERANCE OF POLITICAL OR SOCIAL OBJECTIVES.

DURING THE PAST DECADE WE HAVE WITNESSED DRAMATIC CHANGES IN THE NATURE OF THE TERRORIST THREAT. IN THE 1990s, RIGHT-WING EXTREMISM OVERTOOK LEFT-WING TERRORISM AS THE MOST DANGEROUS DOMESTIC TERRORIST THREAT TO THE COUNTRY. DURING THE PAST SEVERAL YEARS, SPECIAL INTEREST EXTREMISM, AS CHARACTERIZED BY THE ANIMAL LIBERATION FRONT (ALF) AND THE EARTH LIBERATION FRONT (ELF), HAS EMERGED AS A SERIOUS TERRORIST THREAT. GENERALLY, EXTREMIST GROUPS ENGAGE IN MUCH ACTIVITY THAT IS PROTECTED BY CONSTITUTIONAL GUARANTEES OF FREE SPEECH AND ASSEMBLY. LAW ENFORCEMENT BECOMES INVOLVED WHEN THE VOLATILE TALK OF THESE GROUPS TRANSGRESSES INTO UNLAWFUL ACTION. THE FBI ESTIMATES THAT THE ALF/ELF HAVE COMMITTED MORE THAN 600 CRIMINAL ACTS IN THE UNITED STATES SINCE 1996, RESULTING IN DAMAGES IN EXCESS OF 43 MILLION DOLLARS.

SPECIAL INTEREST TERRORISM DIFFERS FROM TRADITIONAL RIGHT-WING AND LEFT-WING TERRORISM IN THAT EXTREMIST SPECIAL INTEREST GROUPS SEEK TO RESOLVE SPECIFIC ISSUES, RATHER THAN EFFECT WIDESPREAD POLITICAL CHANGE. SPECIAL INTEREST EXTREMISTS CONTINUE TO CONDUCT ACTS OF POLITICALLY MOTIVATED VIOLENCE TO FORCE SEGMENTS OF SOCIETY, INCLUDING THE GENERAL PUBLIC, TO CHANGE ATTITUDES ABOUT ISSUES CONSIDERED IMPORTANT TO THEIR CAUSES. THESE GROUPS OCCUPY THE EXTREME FRINGES OF ANIMAL RIGHTS, PRO-LIFE, ENVIRONMENTAL, ANTI NUCLEAR, AND OTHER MOVEMENTS. SOME SPECIAL INTEREST EXTREMISTS—MOST NOTABLY WITHIN THE ANIMAL RIGHTS AND ENVIRONMENTAL MOVEMENTS—HAVE TURNED INCREASINGLY TOWARD VANDALISM AND TERRORIST ACTIVITY IN ATTEMPTS TO FURTHER THEIR CAUSES.

SINCE 1977, WHEN DISAFFECTED MEMBERS OF THE ECOLOGICAL PRESERVATION GROUP GREENPEACE FORMED THE SEA SHEPHERD CONSERVATION SOCIETY AND ATTACKED COMMERCIAL FISHING OPERATIONS BY CUTTING DRIFT NETS, ACTS OF "ECO-TERRORISM" HAVE OCCURRED AROUND THE GLOBE. THE FBI DEFINES ECO-TERRORISM AS THE USE OR THREATENED USE OF VIOLENCE OF A CRIMINAL NATURE AGAINST INNOCENT VICTIMS OR PROPERTY BY AN ENVIRONMENTALLY ORIENTED, SUBNATIONAL GROUP FOR ENVIRONMENTAL-POLITICAL REASONS, OR AIMED AT AN AUDIENCE BEYOND THE TARGET, OFTEN OF A SYMBOLIC NATURE.

IN RECENT YEARS, THE ANIMAL LIBERATION FRONT (ALF) HAS BECOME ONE OF THE MOST ACTIVE EXTREMIST ELEMENTS IN THE UNITED STATES. DESPITE THE DESTRUCTIVE ASPECTS OF ALF'S OPERATIONS, ITS OPERATIONAL PHILOSOPHY DISCOURAGES ACTS THAT HARM "ANY ANIMAL, HUMAN AND NONHUMAN." ANIMAL RIGHTS GROUPS IN THE UNITED STATES, INCLUDING THE ALF, HAVE GENERALLY ADHERED TO THIS MANDATE. THE ALF, ESTABLISHED IN GREAT BRITAIN IN THE MID-1970s, IS A LOOSELY ORGANIZED MOVEMENT COMMITTED TO ENDING THE ABUSE AND EXPLOITATION OF ANIMALS. THE AMERICAN BRANCH OF THE ALF BEGAN ITS OPERATIONS IN THE LATE 1970s. INDIVIDUALS BECOME MEMBERS OF THE ALF NOT BY FILING PAPERWORK OR PAYING DUES, BUT SIMPLY BY ENGAGING IN "DIRECT ACTION" AGAINST COMPANIES OR INDIVIDUALS WHO UTILIZE ANIMALS FOR RESEARCH OR ECONOMIC GAIN. "DIRECT ACTION" GENERALLY OCCURS IN THE FORM OF CRIMINAL ACTIVITY TO CAUSE ECONOMIC LOSS OR TO DESTROY THE VICTIMS' COMPANY OPERATIONS. THE ALF ACTIVISTS HAVE ENGAGED IN A STEADILY GROWING CAMPAIGN OF ILLEGAL ACTIVITY AGAINST FUR COMPANIES, MINK FARMS, RESTAURANTS, AND ANIMAL RESEARCH LABORATORIES.

ESTIMATES OF DAMAGE AND DESTRUCTION IN THE UNITED STATES CLAIMED BY THE ALF DURING THE PAST TEN YEARS, AS COMPILED BY NATIONAL ORGANIZATIONS SUCH AS THE FUR COMMISSION AND THE NATIONAL ASSOCIATION FOR BIOMEDICAL RESEARCH (NABR), PUT THE FUR INDUSTRY AND MEDICAL RESEARCH LOSSES AT MORE THAN 45 MILLION DOLLARS. THE ALF IS CONSIDERED A TERRORIST GROUP, WHOSE PUR-

POSE IS TO BRING ABOUT SOCIAL AND POLITICAL CHANGE THROUGH THE USE OF FORCE AND VIOLENCE.

DISAFFECTED ENVIRONMENTALISTS, IN 1980, FORMED A RADICAL GROUP CALLED "EARTH FIRST!" AND ENGAGED IN A SERIES OF PROTESTS AND CIVIL DISOBEDIENCE EVENTS. IN 1984, HOWEVER, MEMBERS INTRODUCED "TREE SPIKING" (INSERTION OF METAL OR CERAMIC SPIKES IN TREES IN AN EFFORT TO DAMAGE SAWS) AS A TACTIC TO THWART LOGGING. IN 1992, THE ELF WAS FOUNDED IN BRIGHTON, ENGLAND BY EARTH FIRST! MEMBERS WHO REFUSED TO ABANDON CRIMINAL ACTS AS A TACTIC WHEN OTHERS WISHED TO MAINSTREAM EARTH FIRST!. IN 1993, THE ELF WAS LISTED FOR THE FIRST TIME ALONG WITH THE ALF IN A COMMUNIQUE DECLARING SOLIDARITY IN ACTIONS BETWEEN THE TWO GROUPS. THIS UNITY CONTINUES TODAY WITH A CROSSOVER OF LEADERSHIP AND MEMBERSHIP. IT IS NOT UNCOMMON FOR THE ALF AND THE ELF TO POST JOINT DECLARATIONS OF RESPONSIBILITY FOR CRIMINAL ACTIONS ON THEIR WEB-SITES. IN 1994, FOUNDERS OF THE SAN FRANCISCO BRANCH OF EARTH FIRST! PUBLISHED IN THE EARTH FIRST! JOURNAL A RECOMMENDATION THAT EARTH FIRST! MAINSTREAM ITSELF IN THE UNITED STATES, LEAVING CRIMINAL ACTS OTHER THAN UNLAWFUL PROTESTS TO THE ELF.

THE ELF ADVOCATES "MONKEYWRENCHING," A EUPHEMISM FOR ACTS OF SABOTAGE AND PROPERTY DESTRUCTION AGAINST INDUSTRIES AND OTHER ENTITIES PERCEIVED TO BE DAMAGING TO THE NATURAL ENVIRONMENT. "MONKEYWRENCHING" INCLUDES TREE SPIKING, ARSON, SABOTAGE OF LOGGING OR CONSTRUCTION EQUIPMENT, AND OTHER TYPES OF PROPERTY DESTRUCTION. SPEECHES GIVEN BY JONATHAN PAUL AND CRAIG ROSEBRAUGH AT THE 1998 NATIONAL ANIMAL RIGHTS CONFERENCE HELD AT THE UNIVERSITY OF OREGON, PROMOTED THE UNITY OF BOTH THE ELF AND THE ALF MOVEMENTS. THE ELF POSTED INFORMATION ON THE ALF WEBSITE UNTIL IT BEGAN ITS OWN WEBSITE IN JANUARY 2001, AND IS LISTED IN THE SAME UNDERGROUND ACTIVIST PUBLICATIONS AS THE ALF.

THE MOST DESTRUCTIVE PRACTICE OF THE ALF/ELF IS ARSON. THE ALF/ELF MEMBERS CONSISTENTLY USE IMPROVISED INCENDIARY DEVICES EQUIPPED WITH CRUDE BUT EFFECTIVE TIMING MECHANISMS. THESE INCENDIARY DEVICES ARE OFTEN CONSTRUCTED BASED UPON INSTRUCTIONS FOUND ON THE ALF/ELF WEBSITES. THE ALF/ELF CRIMINAL INCIDENTS OFTEN INVOLVE PRE-ACTIVITY SURVEILLANCE AND WELL-PLANNED OPERATIONS. MEMBERS ARE BELIEVED TO ENGAGE IN SIGNIFICANT INTELLIGENCE GATHERING AGAINST POTENTIAL TARGETS, INCLUDING THE REVIEW OF INDUSTRY/TRADE PUBLICATIONS, PHOTOGRAPHIC/VIDEO SURVEILLANCE OF POTENTIAL TARGETS, AND POSTING DETAILS ABOUT POTENTIAL TARGETS ON THE INTERNET.

THE ALF AND THE ELF HAVE JOINTLY CLAIMED CREDIT FOR SEVERAL RAIDS INCLUDING A NOVEMBER 1997 ATTACK OF THE BUREAU OF LAND MANAGEMENT WILD HORSE CORRALS NEAR BURNS, OREGON WHERE ARSON DESTROYED THE ENTIRE COMPLEX RESULTING IN DAMAGES IN EXCESS OF FOUR HUNDRED AND FIFTY THOUSAND DOLLARS AND THE JUNE 1998 ARSON ATTACK OF A U.S. DEPARTMENT OF AGRICULTURE ANIMAL DAMAGE CONTROL BUILDING NEAR OLYMPIA, WASHINGTON, IN WHICH DAMAGES EXCEEDED TWO MILLION DOLLARS. THE ELF CLAIMED SOLE CREDIT FOR THE OCTOBER 1998, ARSON OF A VAIL, COLORADO, SKI FACILITY IN WHICH FOUR SKI LIFTS, A RESTAURANT, A PICNIC FACILITY AND A UTILITY BUILDING WERE DESTROYED. DAMAGE EXCEEDED TWELVE MILLION DOLLARS. ON 12/27/1998, THE ELF CLAIMED RESPONSIBILITY FOR THE ARSON AT THE U.S. FOREST INDUSTRIES OFFICE IN MEDFORD, OREGON, WHERE DAMAGES EXCEEDED FIVE HUNDRED THOUSAND DOLLARS. OTHER ARSONS IN OREGON, NEW YORK, WASHINGTON, MICHIGAN AND INDIANA HAVE BEEN CLAIMED BY THE ELF. RECENTLY, THE ELF HAS ALSO CLAIMED ATTACKS ON GENETICALLY ENGINEERED CROPS AND TREES. THE ELF CLAIMS THESE ATTACKS HAVE TOTALED CLOSE TO \$40 MILLION IN DAMAGES.

THE NAME OF A GROUP CALLED THE COALITION TO SAVE THE PRESERVES (CSP), SURFACED IN RELATION TO A SERIES OF ARSONS THAT OCCURRED IN THE PHOENIX, ARIZONA AREA. THESE ARSONS TARGETED SEVERAL NEW HOMES UNDER CONSTRUCTION NEAR THE NORTH PHOENIX MOUNTAIN PRESERVES. NO DIRECT CONNECTION WAS ESTABLISHED BETWEEN THE CSP AND ALF/ELF. HOWEVER, THE STATED GOAL OF CSP

TO STOP DEVELOPMENT OF PREVIOUSLY UNDEVELOPED LANDS, IS SIMILAR TO THAT OF THE ELF. THE PROPERTY DAMAGE ASSOCIATED WITH THE ARSONS HAS BEEN ESTIMATED TO BE IN EXCESS OF \$5 MILLION.

THE FBI HAS DEVELOPED A STRONG RESPONSE TO THE THREATS POSED BY DOMESTIC AND INTERNATIONAL TERRORISM. BETWEEN FISCAL YEARS 1993 AND 2003, THE NUMBER OF SPECIAL AGENTS DEDICATED TO THE FBI'S COUNTERTERRORISM PROGRAMS GREW BY APPROXIMATELY 224 PERCENT (TO 1,669—NEARLY 16 PERCENT OF ALL FBI SPECIAL AGENTS). IN RECENT YEARS, THE FBI HAS STRENGTHENED ITS COUNTERTERRORISM PROGRAM TO ENHANCE ITS ABILITIES TO CARRY OUT THESE OBJECTIVES.

COOPERATION AMONG LAW ENFORCEMENT AGENCIES AT ALL LEVELS REPRESENTS AN IMPORTANT COMPONENT OF A COMPREHENSIVE RESPONSE TO TERRORISM. THIS COOPERATION ASSUMES ITS MOST TANGIBLE OPERATIONAL FORM IN THE JOINT TERRORISM TASK FORCES (JTTFs) THAT ARE ESTABLISHED IN 44 CITIES ACROSS THE NATION. THESE TASK FORCES ARE PARTICULARLY WELL-SUITED TO RESPONDING TO TERRORISM BECAUSE THEY COMBINE THE NATIONAL AND INTERNATIONAL INVESTIGATIVE RESOURCES OF THE FBI WITH THE STREET-LEVEL EXPERTISE OF LOCAL LAW ENFORCEMENT AGENCIES. GIVEN THE SUCCESS OF THE JOINT TERRORISM TASK FORCE (JTTF) CONCEPT, THE FBI HAS ESTABLISHED 15 NEW JTTFs SINCE THE END OF 1999. BY THE END OF 2003 THE FBI PLANS TO HAVE ESTABLISHED JTTFs IN EACH OF ITS 56 FIELD OFFICES. BY INTEGRATING THE INVESTIGATIVE ABILITIES OF THE FBI AND LOCAL LAW ENFORCEMENT AGENCIES, THESE TASK FORCES REPRESENT AN EFFECTIVE RESPONSE TO THE THREATS POSED TO U.S. COMMUNITIES BY DOMESTIC AND INTERNATIONAL TERRORISTS.

THE FBI AND OUR LAW ENFORCEMENT PARTNERS HAVE MADE A NUMBER OF ARRESTS OF INDIVIDUALS ALLEGED TO HAVE PERPETRATED ACTS OF ECO-TERRORISM. SEVERAL OF THESE INDIVIDUALS HAVE BEEN SUCCESSFULLY PROSECUTED. FOLLOWING THE INVESTIGATION OF THE PHOENIX, ARIZONA ARSONS NOTED EARLIER, MARK WARREN SANDS WAS INDICTED AND ARRESTED ON 6/14/2001. ON 11/07/2001, SANDS PLEADED GUILTY TO TEN COUNTS OF EXTORTION AND USING FIRE IN THE COMMISSION OF A FEDERAL FELONY.

IN FEBRUARY 2001, TEENAGERS JARED MCINTYRE, MATTHEW RAMMELKAMP, AND GEORGE MASHKOW ALL PLEADED GUILTY, AS ADULTS, TO TITLE 18 U.S.C. 844(I), ARSON, AND 844(N), ARSON CONSPIRACY. THESE CHARGES PERTAIN TO A SERIES OF ARSONS AND ATTEMPTED ARSONS OF NEW HOME CONSTRUCTION SITES IN LONG ISLAND, NY. AN ADULT, CONNOR CASH, WAS ALSO ARRESTED ON FEBRUARY 15, 2001, AND CHARGED UNDER THE SAME FEDERAL STATUTES. JARED MCINTYRE STATED THAT THESE ACTS WERE COMMITTED IN SYMPATHY OF THE ELF MOVEMENT. THE NEW YORK JOINT TERRORISM TASK FORCE PLAYED A SIGNIFICANT ROLE IN THE ARREST AND PROSECUTION OF THESE INDIVIDUALS.

ON 1/23/2001, FRANK AMBROSE WAS ARRESTED BY OFFICERS OF THE DEPARTMENT OF NATURAL RESOURCES WITH ASSISTANCE FROM THE INDIANAPOLIS JTTF, ON A LOCAL WARRANT OUT OF MONROE COUNTY CIRCUIT COURT, BLOOMINGTON, INDIANA, CHARGING AMBROSE WITH TIMBER SPIKING. AMBROSE IS SUSPECTED OF INVOLVEMENT IN THE SPIKING OF APPROXIMATELY 150 TREES IN INDIANA STATE FORESTS. THE ELF CLAIMED RESPONSIBILITY FOR THESE INCIDENTS.

ON SEPTEMBER 16, 1998, A FEDERAL GRAND JURY IN THE WESTERN DISTRICT OF WISCONSIN INDICTED PETER YOUNG AND JUSTIN SAMUEL FOR HOBBS ACT VIOLATIONS AS WELL AS FOR ANIMAL ENTERPRISE TERRORISM. SAMUEL WAS APPREHENDED IN BELGIUM, AND WAS SUBSEQUENTLY EXTRADITED TO THE UNITED STATES. ON AUGUST 30, 2000, SAMUEL PLEADED GUILTY TO TWO COUNTS OF ANIMAL ENTERPRISE TERRORISM AND WAS SENTENCED ON NOVEMBER 3, 2000, TO TWO YEARS IN PRISON, TWO YEARS PROBATION, AND ORDERED TO PAY \$364,106 IN RESTITUTION. SAMUEL'S PROSECUTION AROSE OUT OF HIS INVOLVEMENT IN MINK RELEASES IN WISCONSIN IN 1997. THIS INCIDENT WAS CLAIMED BY THE ALF. THE INVESTIGATION AND ARREST OF JUSTIN SAMUEL WERE THE RESULT OF A JOINT EFFORT BY FEDERAL, STATE AND LOCAL AGENCIES.

ON APRIL 20, 1997, DOUGLAS JOSHUA ELLERMAN TURNED HIMSELF IN AND ADMITTED ON VIDEOTAPE TO PURCHASING, CONSTRUCTING, AND

TRANSPORTING FIVE PIPE BOMBS TO THE SCENE OF THE MARCH 11, 1997 ARSON AT THE FUR BREEDERS AGRICULTURAL CO-OP IN SANDY, UTAH. ELLERMAN ALSO ADMITTED SETTING FIRE TO THE FACILITY. ELLERMAN WAS INDICTED ON JUNE 19, 1997 ON 16 COUNTS, AND EVENTUALLY PLEADED GUILTY TO THREE. HE WAS SENTENCED TO SEVEN YEARS IN PRISON AND RESTITUTION OF APPROXIMATELY \$750,000. THOUGH THIS INCIDENT WAS NOT OFFICIALLY CLAIMED BY ALF, ELLERMAN INDICATED DURING AN INTERVIEW SUBSEQUENT TO HIS ARREST THAT HE WAS A MEMBER OF ALF. THIS INCIDENT WAS INVESTIGATED JOINTLY BY THE FBI AND THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (BATF).

RODNEY ADAM CORONADO WAS CONVICTED FOR HIS ROLE IN THE FEBRUARY 2, 1992, ARSON AT AN ANIMAL RESEARCH LABORATORY ON THE CAMPUS OF MICHIGAN STATE UNIVERSITY. DAMAGE ESTIMATES, ACCORDING TO PUBLIC SOURCES, APPROACHED \$200,000 AND INCLUDED THE DESTRUCTION OF RESEARCH RECORDS. ON JULY 3, 1995, CORONADO PLED GUILTY FOR HIS ROLE IN THE ARSON AND WAS SENTENCED TO 57 MONTHS IN FEDERAL PRISON, THREE YEARS PROBATION, AND RESTITUTION OF MORE THAN \$2 MILLION. THIS INCIDENT WAS CLAIMED BY ALF. THE FBI, BATF AND THE MICHIGAN STATE UNIVERSITY POLICE PLAYED A SIGNIFICANT ROLE IN THE INVESTIGATION, ARREST, AND PROSECUTION.

MARC LESLIE DAVIS, MARGARET KATHERINE MILLET, MARC ANDRE BAKER, AND ILSE WASHINGTON ASPLUND WERE ALL MEMBERS OF THE SELF-PROCLAIMED "EVAN MECHAM ECO-TERRORIST INTERNATIONAL CONSPIRACY" (EMETIC). EMETIC WAS FORMED TO ENGAGE IN ECO-TERRORISM AGAINST NUCLEAR POWER PLANTS AND SKI RESORTS IN THE SOUTHWESTERN UNITED STATES. IN NOVEMBER 1987, THE GROUP CLAIMED RESPONSIBILITY FOR DAMAGE TO A CHAIRLIFT AT THE FAIRFIELD SNOW BOWL SKI RESORT NEAR FLAGSTAFF, ARIZONA. DAVIS, MILLET, AND BAKER WERE ARRESTED IN MAY 1989 ON CHARGES RELATING TO THE FAIRFIELD SNOW BOWL INCIDENT AND PLANNED INCIDENTS AT THE CENTRAL ARIZONA PROJECT AND PALO VERDE NUCLEAR GENERATING STATIONS IN ARIZONA; THE DIABLO CANYON NUCLEAR FACILITY IN CALIFORNIA; AND THE ROCKY FLATS NUCLEAR FACILITY IN COLORADO. ALL PLEADED GUILTY AND WERE SENTENCED IN SEPTEMBER 1991. DAVIS WAS SENTENCED TO SIX YEARS IN FEDERAL PRISON, AND RESTITUTION TO THE FAIRFIELD SNOW BOWL SKI RESORT IN THE AMOUNT OF \$19,821. MILLET WAS SENTENCED TO THREE YEARS IN FEDERAL PRISON, AND RESTITUTION TO FAIRFIELD IN THE AMOUNT OF \$19,821. BAKER WAS SENTENCED TO ONE YEAR IN FEDERAL PRISON, FIVE MONTHS PROBATION, A \$5,000 FINE, AND 100 HOURS OF COMMUNITY SERVICE. ASPLUND WAS ALSO CHARGED AND WAS SENTENCED TO ONE YEAR IN FEDERAL PRISON, FIVE YEARS PROBATION, A \$2,000 FINE, AND 100 HOURS OF COMMUNITY SERVICE.

CURRENTLY, MORE THAN 26 FBI FIELD OFFICES HAVE PENDING INVESTIGATIONS ASSOCIATED WITH ALF/ELF ACTIVITIES. DESPITE ALL OF OUR EFFORTS (INCREASED RESOURCES ALLOCATED, JTTFs, SUCCESSFUL ARRESTS AND PROSECUTIONS), LAW ENFORCEMENT HAS A LONG WAY TO GO TO ADEQUATELY ADDRESS THE PROBLEM OF ECO-TERRORISM. GROUPS SUCH AS THE ALF AND THE ELF PRESENT UNIQUE CHALLENGES. THERE IS LITTLE IF ANY HIERARCHICAL STRUCTURE TO SUCH ENTITIES. ECO-TERRORISTS ARE UNLIKE TRADITIONAL CRIMINAL ENTERPRISES WHICH ARE OFTEN STRUCTURED AND ORGANIZED.

THE DIFFICULTY INVESTIGATING SUCH GROUPS IS DEMONSTRATED BY THE FACT THAT LAW ENFORCEMENT HAS THUS FAR BEEN UNABLE TO EFFECT THE ARRESTS OF ANYONE FOR SOME RECENT CRIMINAL ACTIVITY DIRECTED AT FEDERAL LAND MANAGERS OR THEIR OFFICES. HOWEVER, THERE ARE SEVERAL ONGOING INVESTIGATIONS REGARDING SUCH ACTS. CURRENT INVESTIGATIONS INCLUDE THE 10/14/2001 ARSON AT THE BUREAU OF LAND MANAGEMENT WILD HORSE AND BURRO CORRAL IN LITCHFIELD, CALIFORNIA, THE 7/20/2000 DESTRUCTION OF TREES AND DAMAGE TO VEHICLES AT THE U.S. FORESTRY SCIENCE LABORATORY IN RHINELANDER, WISCONSIN, AND THE 11/29/1997 ARSON AT THE BUREAU OF LAND MANAGEMENT CORRAL IN BURNS, OREGON.

BEFORE CLOSING, I WOULD LIKE TO ACKNOWLEDGE THE COOPERATION AND ASSISTANCE RENDERED BY THE U.S. FOREST SERVICE IN INVESTIGATING INCIDENTS OF ECO-TERRORISM. SPECIFICALLY, I WOULD LIKE TO RECOGNIZE THE ASSISTANCE THAT THE FOREST SERVICE IS

PROVIDING WITH REGARD TO THE ONGOING INVESTIGATION OF THE 7/20/2000 INCIDENT OF VANDALISM AND DESTRUCTION THAT OCCURRED AT THE U.S. FORESTRY SCIENCE LABORATORY IN RHINELANDER, WISCONSIN.

THE FBI AND ALL OF OUR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT PARTNERS WILL CONTINUE TO STRIVE TO ADDRESS THE DIFFICULT AND UNIQUE CHALLENGES POSED BY ECO-TERRORISTS. DESPITE THE RECENT FOCUS ON INTERNATIONAL TERRORISM, WE REMAIN FULLY COGNIZANT OF THE FULL RANGE OF THREATS THAT CONFRONT THE UNITED STATES.

CHAIRMAN MCINNIS AND MEMBERS OF THE SUBCOMMITTEE, THIS CONCLUDES MY PREPARED REMARKS. I WOULD LIKE TO EXPRESS APPRECIATION FOR YOUR CONCENTRATION ON THE ISSUE OF ECO-TERRORISM AND I LOOK FORWARD TO RESPONDING TO ANY QUESTIONS.

Mr. MCINNIS. Thank you very much.
Mr. Wharton, we will turn to you, sir.

**STATEMENT OF PORTER WHARTON III, SENIOR VICE
PRESIDENT OF PUBLIC AFFAIRS, VAIL RESORTS, INC.**

Mr. WHARTON. Thank you, Mr. Chairman.

On the morning of October 19th, 1998, at approximately 3:30 a.m. the first of eight fires were set. At 4 a.m. the first alarms came into Vail dispatch, and by 4:20 a.m. the first firefighters were on their way up the dirt road to the 11,200 foot ridgeline where the fires raged at two locations a mile and a half apart.

By 4:40 a.m. the first firefighters were on the scene. What they were confronted with was five buildings, three ski lifts engulfed in flames. Hampered by a lack of water on the ridgeline, six inches of fresh snow, and fires that by the time had almost an hour's head start, their task was virtually impossible.

Eventually 195 firefighters from 11 fire departments and our company were engaged throughout the night and into the day. They came for six counties and stayed for over 8 hours engaged in the battle.

When the morning sun rose over the Gore Range it illuminated a shocking amount of damage. Foremost was the complete loss of the resort's flagship on-mountain restaurant, Two Elk, a 24,000 square foot majestic log structure with seating for over 500 people.

Four additional buildings housing dining and ski patrol functions were also totally consumed. Three chairlifts were damaged. The total value of lost assets was over \$12 million, making this the most costly act of eco-terrorism in this country's history.

Most fortunately, only one of the almost 200 firefighters involved was injured. And a hunter, who had left his friends at their nearby campsite to sleep in a small restroom for building for warmth, awoke to find himself in the only structure not engulfed in flames. As one witness to the carnage said later, "The only thing we can be thankful for is that we aren't having services."

Former Governor Roy Romer was the first to call the fires an act of terrorism.

Then on Wednesday, October 21st, 2 days after the fires, an e-mail was received by Colorado Public Radio. The e-mail, purportedly sent by ELF, the Earth Liberation Front, claimed responsibility for the fires.

Why had Vail drawn the attention of ELF? Three days before the fires a Federal Court had given final approval for the construction of the Category III expansion of the ski area. The expansion had been controversial, with some environmentalists opposing it for reasons including possible impacts to Canadian lynx habitat, even though no lynx had been seen in the area since 1973.

The expansion had been contemplated since the resort's founding in 1962. It was desired by our guests, supported by an overwhelming majority of our community. The approval process took over 7 years and \$5 million in expenditures by our company. It was the most scrutinized ski area expansion in history, with over 65 studies conducted on soil, air, wildlife, water and other issues. Two administrative reviews, three court challenges, all supported the expansion. It was approved by four Federal agencies, one State agency and two local governments.

But ELF did not accept the results of this exhaustive process. The ELF communiqué stated the fires had been set, quote, "...on behalf of the lynx." And then our guests were warned, quote, "For your safety and convenience, we strongly advise skiers to choose other destinations."

The property damage has now been repaired, but the scars on our community and our company remain. A former Vail mayor said at the time, quote: "This was not only an attack against Vail Resorts, this was an attack against the people who live and work in Eagle County," end quote. It is the wealthy visitors to Vail that are a part of our image, but when the guests are gone, there are 30,000 hardworking very normal people that remain in the valley they call home. Those are the people that ELF terrorized. The sense of violation and the feelings of outrage remain today.

The investigation is still open. No arrests have been made.

ELF boasts it is above the laws of this country and claimed they were, quote, "...effecting social change." And that, quote, "...decreasing profits by destroying property has been very effective," end quote. But let's call it what it really is. No matter what the supposed justification, this was terrorism. This is a fringe group, saying in essence that they are more important than the laws that are the foundation of this society and this country.

Any effort on the part of this administration and this Congress to assure homeland security must include a response to domestic environmental terrorism. These faceless, cowardly criminals must be stopped. If they are not, more property will be destroyed. More threats of extortion and worse will be issued. More law-abiding citizens will live in fear, and eventually, inevitably, there will be loss of life. It's a miracle it hasn't happened already.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Wharton follows:]

**Statement of Porter Wharton, III, Senior Vice President of Public Affairs,
Vail Resorts, Inc.**

On the morning of October 19, 1998, at approximately 3:30 a.m., the first of eight fires were set. At 4:00 a.m., the first alarms came into Vail dispatch and by 4:20 a.m., the first firefighters were on their way up the dirt road to the 11,200 foot ridgeline where the fires raged at two locations a mile and a half apart.

By 4:40 a.m., the first firefighters were on the scene. What they were confronted with was five buildings and three ski lifts engulfed in flames. Hampered by a lack

of water on the ridgeline, six inches of fresh snow and fires that by that time had almost an hour's head start, their task was virtually impossible.

Eventually 195 firefighters from 11 fire departments and our company were engaged throughout the night and into the day. They came from six counties and stayed for over eight hours engaged in the battle.

When the morning sun rose over the Gore Range, it illuminated a shocking amount of damage. Foremost was the complete loss of the resort's flagship on-mountain restaurant, Two Elk. A 24, 000 square foot majestic log structure, with seating for 550.

Four additional buildings housing dining and ski patrol functions were also totally consumed. Three chairlifts were damaged. The total value of lost assets was over \$12 Million, making this the most costly act of eco-terrorism in this country's history.

Most fortunately, only one of the almost 200 firefighters involved was injured. And a hunter who had left his friends at their nearby campsite to sleep in a small restroom building for warmth awoke to find himself in the only structure not engulfed in flames. As one witness to the carnage said later, "The only thing we can be thankful for is that we aren't having services."

Former Colorado Governor Romer was the first to call the fires an act of terrorism. Then, on Wednesday October 21st, two days after the fires, an e-mail was received by Colorado Public Radio

The e-mail, purportedly sent by ELF, the Earth Liberation Front, an eco-terrorist group responsible for tens of millions of dollars of destruction across Europe and the United States, claimed responsibility for the fires.

Why had Vail drawn the attention of ELF? Three days before the fires, a federal court had given final approval for the construction of the Category III expansion of the ski area. The expansion had been controversial, with some environmentalists opposing it for reasons including possible impacts to Canadian Lynx habitat—even though no lynx had been seen in the area since 1973.

The expansion had been contemplated since the resort's founding in 1962. It was desired by our guests and supported by an overwhelming majority of our community. The approval process took over seven years and five million dollars in expenditures by our company. It was the most scrutinized ski area expansion in history with over 65 studies conducted on soil, air, wildlife and water issues. Two administrative reviews and three court challenges all supported the expansion. It was approved by four federal agencies, one state agency and two local governments.

But ELF did not accept the results of this exhaustive process. The ELF communiqué stated the fires had been set, "on behalf of the lynx. Putting profits ahead of Colorado's wildlife will not be tolerated. This action is just a warning." And then our guests were warned, "For your safety and convenience, we strongly advise skiers to choose other destinations."

The property damage has now been repaired. But the scars on our community and our company remain. A former Vail mayor said at the time, "This was not only an attack against Vail Resorts, this was an attack against the people who live and work in Eagle County." It is the wealthy visitors to Vail that are a part of it's image, but when the guests are gone, there are 30,000 hard-working very normal people that remain in the valley they call home. Those are the people ELF terrorized. The sense of violation and the feelings of outrage remain.

The investigation is still open. No arrests have been made

ELF boasts it is above the laws of this country and claimed they were, "effecting social change." And that, "decreasing profits by destroying property has been very effective." But let's call it what it really is. No matter what the supposed justification, this was terrorism. This is a fringe group saying in essence that they are more important than the laws that are the foundation of this society and this country. Any effort on the part of this administration and this Congress to assure homeland security must include a response to domestic environmental terrorism. These faceless, cowardly criminals must be stopped.

If they are not, more property will be destroyed. More threats of extortion and worse will be issued. More law-abiding citizens will live in fear. And eventually, inevitably there will be a loss of life. It's a miracle it hasn't happened already.

Mr. McINNIS. Thank you, Mr. Wharton.
Mr. Hicks?

**STATEMENT OF MICHAEL S. HICKS, NORTHWEST OREGON
AREA LOGGING MANAGER, BOISE CASCADE CORPORATION**

Mr. HICKS. I'm Michael S. Hicks—

Mr. HANSEN. [Presiding] Would you get a mike over by there, Mr. Hicks, if you would, please? Thank you.

Mr. HICKS. I'm the Northwest Oregon Area Logging Manager for Boise Cascade Corporation. We own or manage over 2.3 million acres of forest land, using science-based state-of-the-art practices. We are a major distributor of office products and building products, and we also manufacture building products and paper products to meet the demands of the American public. Over 19,000 people work for Boise Cascade in the United States.

My office is in Monmouth, Oregon. I manage 160,000 acres of timberland, and our field office is home to 25 to 30 professional foresters, engineers, biologists and support staff.

Thank you for allowing me to provide my testimony on domestic terrorism. The title of the hearing is "Eco-terrorism and Lawlessness in the National Forests." However, from my perspective, we are dealing with just plain terrorism and lawlessness. There is no prefix such as "eco" that anyone can put before the word "terrorism" that justifies a cause. Terrorism is terrorism, plain and simple.

It does have an impact on how we approach our business, especially when it comes to Federal timber sales. I would like to explain the basis for that concern.

I am here today to relate my experience with domestic terrorism that was carried out against our company on Christmas Day 1999. Our office was burned to the ground by an arson fire. The evil and the cowardly elves of the Earth Liberation Front, ELF, had brought their gift of terror to our lives. ELF, through their spokesman at the time, Craig Rosebraugh, claimed the responsibility for the fire. The claim was verified by ATF and FBI investigators.

It was reported on December 31st, 1999 by the "Oregonian" newspaper that Craig Rosebraugh himself was, quote, "Pleased with the arson," end quote. Incendiary devices placed on opposite sides of the building by the arsonists had ignited the fire. It was clear that ELF had sized up our facility and had known the office to burn easily once ignited.

The firefighters, many of whom were volunteers, had to separate an outside wall from the building to extinguish the fire. It was difficult and dangerous work. They were trying to pull down a wall while preventing the firemen from getting trapped by the falling wall. We gained renewed appreciation for the dedication and the bravery of our firefighters on that chilly Christmas morning.

After the fire was out, one of the first things I salvaged from the office was a display case with an American flag from the office of one of our foresters, who was also a Gulf War veteran and active in the Marine Reserves. This was a flag that had draped his father's coffin, and I know how important it was to him and to the rest of us.

There was many hazards associated with salvaging what personal items and office files and equipment we could. We had to contend with broken glass, floors that gave way, and ceilings that had fallen down and were resting on file cabinets.

This was not an attack on a corporate entity. This was an attack on all the individuals of our office. We all lost personal items that are important to our professional lives. We lost photographs, collectibles, art work and professional certificates.

As far as the company was concerned, the attack did not alter our business strategy. It did change how we view security. We take security much more seriously now. Our new office contains state-of-the-art security. We all became more keenly aware of the security risks we have on our lands, at our mills, and around our equipment.

As a result of the arson fire, the company chose to rebuild using materials such as concrete, steel and aluminum, which are non-flammable and nonrenewable energy consuming. Ironically, when the effects of the air pollution from the fire, added to the use of energy-consuming nonrenewable building products, the effects on the ecosystem are increased.

The 1999 was not the company's first experience with lawless behavior by radical activists, but a few terrorists will not stop our efforts to be good stewards of the land, or stop us from providing quality products that the public demands. The domestic terrorists have only strengthened our resolve. After an event like an arson fire, we look at life differently, but we must continue managing our forest lands. After all, they aren't going anywhere.

We also manage our Federal, state and private timber sales differently. We have seen the results of lawless activities in the national forests firsthand. We recognize that we are at an increased risk of being a target.

In summary, ELF burned our office building. They admit it. ELF is a terrorist organization willing to break the laws that we all live and work by. The terrorists did have an impact on how we view the world from a security perspective. They also cost the company a million and a half dollars to replace our office building. But the primary impact of burning our office was on the personal lives of our staff.

In addition, the arson also placed my staff, the firefighters and myself in harm's way, and as it's been said many times here today, sooner or later someone's going to get injured or killed.

We only hope that the cowards are caught and held accountable for their terror and destruction they have caused. Congress should recognize these are terrorists, and they should be sought out, prosecuted to the full extent of the law.

Thank you for the opportunity to comment on such an important and timely topic.

[The prepared statement of Mr. Hicks follows:]

**Statement of Michael S. Hicks, Northwest Oregon Area Logging Manager,
Boise Cascade Corporation**

Mr. Chairman and committee members:

I am Michael S. Hicks, Northwest Oregon Area Logging Manager for Boise Cascade Corporation. Boise Cascade owns or controls over 2.3 million acres of forest land using science based, state-of-the-art forestry practices. In addition to being a major distributor of office products and building products, Boise Cascade also manufactures building products and paper products to meet the demands of the American public. Over 19,000 people work for Boise Cascade in the United States.

My area in Monmouth, Oregon is part of the Western Oregon Region with the regional office located in Medford Oregon. In my position as Logging Manager, I am

responsible for obtaining a reliable source of log supply for our three Northwest Oregon veneer mills. The logs are obtained from our own lands, from contracts sold by a number of government and private sellers, and from open market log deliveries. My responsibilities also include the management of 160,000 acres of timberland and management of a staff of 25 to 30 professional foresters and biologists. Our office is a field office, primarily housing field foresters, engineers, field biologists, and administrative support staff.

Thank you for allowing me to provide my testimony on domestic terrorism. The title of this hearing is Ecoterrorism and Lawlessness on National Forests. However, from my perspective, we are dealing with just plain TERRORISM AND LAWLESSNESS. It really does not matter what the cause is, or how one's actions are justified. There is no prefix anyone can put before the word terrorism that justifies a cause. We are a nation of laws and due process. Terrorism is terrorism, plain and simple.

I am here today to relate my experience with domestic terrorism, as I call the activities that were carried out against our company. It was Christmas morning, 1999 and this was to be the first time my wife and I would enjoy the chance to sleep in on Christmas morning since the 1970's. However, the phone rang at about 5:15 A.M. It was our local Boise Cascade Employee Relations Manager telling me our office was on fire.

Needless to say, my string of early awakenings on Christmas morning remained intact. This time, however, it wasn't because of kids or grandkids running around to see what Santa and his elves had brought. As we found out a few days later, it was elves of a different stripe. The evil and cowardly elves of the Earth Liberation Front (ELF) had brought their gift of terror to our lives. ELF, through their spokesperson at the time, Craig Rosebraugh, claimed responsibility for the fire. Their claim was verified by ATF and FBI investigators.

That Christmas morning was cold and dry, made even colder by a stiff wind from the north. ELF could not have had better conditions to start a fire. When I arrived about 25 minutes after receiving the call, the fire had been burning for over an hour. The roof had caved in and the firefighters were busy trying to put out several hot spots. Incendiary devices placed on opposite sides of the building by the arsonists, presumably for maximum effect, had ignited the arson fire. Our office was primarily wood construction with many interior walls lined with cedar. The office was built in 1978 and the construction was meant to display the wood products industry. The alcoves in the front and rear provided corners for maximum ignition heat and the vents above the ignition point allowed the fumes and flames to carry throughout the dry, wood framed attic. It was clear that ELF had sized up our facility and had known their standard fire setting practices would cause the office to burn easily, once ignited.

There were at least three alarms called during the fire, with many firefighters working several sides of the 7500 square foot structure. After a quick look, I called my boss to give him an update and then started to call all my staff. One by one, the staff—and in many cases their families—came in during the morning, interrupting their holiday festivities. We all stared in disbelief and wandered around as close as the firefighters dared to let us. The fire departments were concerned about our safety as we instinctively moved closer and closer, driven by the need to save what we could. Throughout the early morning we comforted each other and tried to comprehend what was happening. At the time, we did not know it was an arson fire. As we gazed at the smoldering rubble, we all wondered what we could have done to prevent it.

The fire department kept us from entering the perimeter, but I was able to engage a fireman on the periphery about how things were going and when they thought it would be contained and finally extinguished. As I was discussing the situation with the firefighter, I noticed one area containing all our easements, lease documents, real estate papers, rights-of-way files and other important files. It was not heavily damaged by the fire, but was getting a lot of water going in and around it. I asked the fireman if there was any way we could get a tarp over the file cabinets to protect them from water damage. We broke out the remaining glass of the window and crawled in to the office and draped a tarp over the cabinet. We were very fortunate that the fire originated well away from this area. With the exception of a little water in the file cabinets, these files were saved from fire or water damage. I wish we could have done the same for many others.

Several hot spots were particularly difficult to extinguish. The firefighters, many of them volunteers, had to separate the outside wall from the building to extinguish the fire. It was difficult and dangerous work. They were trying to pull the wall down while preventing the firemen from getting trapped by the falling wall. They pulled an exterior wall down in at least two locations. After seeing all the dangers up close, I remember thinking that morning about all the hazards the firemen endured. We

gained a renewed appreciation for the dedication and bravery of our firefighters on that chilly Christmas morning.

By late morning the fire was declared out. The fire marshal indicated he wanted us to stay away from an area he thought might have been the source of the fire, the copy machine room. With the caution to stay clear of this area, we were allowed to enter and retrieve what we could salvage. Because safety is one of our company's core values, we held a safety meeting before we embarked on the salvage project. One of the first things I brought out was a display case with a folded American flag from the office of Sergeant Major Rudy Frazzini, one of our foresters, who is also a Gulf War veteran and active in the Marine Reserves. This was the flag that had draped his father's coffin, and I knew how important this was to Rudy and the rest of us. I made sure it was safe in the seat of my pickup.

Many of the staff had to postpone their Christmas activities to spend the day salvaging all the items they could. It was especially tough on four of my grandchildren because we were due to open presents with them at 10:00 A.M. in the morning and they had to wait until I arrived that evening. The fire was on a Saturday and we were expecting rain by the following Monday. We knew we had to get everything under cover by then. We worked all day Saturday and came back on Sunday to move as much as we could to our mill site. Our goal was to salvage the files and what we could for our temporary quarters. I recall pulling out file drawers that were still smoldering and attempting to extinguish the embers so that we could salvage the files. We filled a large room (approximately 2000 square feet) in the nearby veneer mill with file drawers, computers in varying degrees of meltdown, and other office equipment that we thought we could salvage. There were many hazards associated with salvaging all the usable remains of a fire. We had to contend with broken glass, floors that gave way, and overhead ceilings that had caved in and were resting on file cabinets. We contended with the ever-present tangle of wires, debris and remnants of the ceiling and roof trusses. The conditions were difficult for salvaging, but we worked cautiously and had a good share of the salvageable material removed by Sunday evening.

On Monday our access to the office and its contents was cut off completely by investigators from the FBI and ATF, as well as the Oregon State Police. Not only could we not get close to the rubble, we could not even talk to any of the investigators. The Federal folks were quite focused and extremely professional in their investigation. The evidence gathered and the fine work by the Federal agencies eventually led to confirmation that ELF did, in fact, start the fire. As noted earlier, ELF, through their spokesman, Craig Rosebraugh, claimed responsibility for the fire, and their claim was independently confirmed by Federal investigators.

When you think about losing your home to fire, what is the first thing you wish you could save, assuming all the family members and pets are out? In my house, my first concern would be the irreplaceable art work, family heirlooms, and of course, all the photos and slides of family and friends. Our offices are very much like our homes. Many of us spend as much time in our office as we do our home. We have collectibles, art and other individual items that reflect ourselves. The very personal nature of our offices being destroyed by a cowardly arson attack has as much of an emotional impact as losing one's home. That may sound too strong, but the point is we all lost personal items that were important to our professional lives that make us balanced and productive contributors to our society.

In my case, I lost a whole file drawer of photographs and slides taken over a 25-year career. These pictures were a great treasure to me and I was able to salvage little of that precious drawer. I clearly remember welling up with tears, looking at the fused mass of pictures and shriveled slides, thinking that this history of my work life, much like a daily journal, is gone. I had intended to use these pictures to write my professional history when I retired. I just do not think about it any more because I get depressed. In addition, I was very proud of my contributions to various boards and organizations. The certificates recognizing those contributions were hanging on my wall, as I am sure they do in many of your offices. They were all incinerated into a pile of ash and rubble. I did manage to salvage one thing I treasured and brought it with me today to the hearing on Ecoterrorism and Lawlessness in National Forests. I hold a copy of the proceedings on hearings of the sale of timber from Federal lands held in the spring of 1979. I was able to testify at a similar Congressional hearing and was given a copy of those proceedings. It is a little worse for wear, but that was one little treasure I did get to keep.

Other colleagues have similar stories, such as one who lost the only photo he has of his two very pregnant daughters posing tummy to tummy. Another person lost a one-of-a-kind map of the original railroad route that accessed the heart of our forest lands during the times when the only access was by railroad. One person lost the picture of his father dressed in his army uniform, and a diploma with the

summa cum laude banner was damaged. Numerous family pictures and small mementos were lost. This was not just an attack on a corporate entity; it was an attack on all the individuals who called our office home for 40 to 60 hours a week. Our personal possessions were destroyed. Our lives were severely disrupted.

As far as the corporation was concerned, the attack did not alter our business strategy. We were up and running within a week, on the first operating day in January, with all new copies of contracts, an office, phones, and all the office equipment necessary to keep us in business. It did, however, change how we view security. We take our security much more seriously than we did before December 25, 1999. Our new office contains state-of-the-art security measures inside and out. We all have a heightened sense of awareness. We lost our sense of security and became more keenly aware of the risks we have on our lands, at our mills, and around our equipment. The timber industry is a proud and industrious segment of society. Even though the industry has been battered on many fronts, it is still relatively strong and viable with an incredible will to survive. A few terrorists will not stop our efforts to be good stewards of the land, or stop us from providing quality products the public demands. The domestic terrorists have only strengthened our resolve to remain a strong, viable part of the U.S. economy.

To replace the office, we went through months of analysis, negotiations, and internal discussions before we settled on a structure that was very much the same floor layout as before, but very different in building design. Since ELF attacked our facility, security has become a huge factor in how we site, secure and manage our facilities. Existing streets, access, cooperation of local government, and current zoning of adjacent properties all played into our decision to relocate in the same spot as before. In the end, we were not going to allow terrorists to dictate where we conduct business.

The company spent approximately \$1.5 million dollars replacing the office and contents. A significant portion of that cost was expended on internal and external security. Boise Cascade has been a target once; we felt we could once again be in someone's cross hairs. As a result of the arson fire, the company chose to build using more materials such as concrete, steel, and aluminum, which are non-flammable and non-renewable energy consuming. Ironically, when the effects of the air pollution from the fire are added to the use of energy consuming non-renewable building products, the effects on the ecosystem are doubled. ELF impacted our lives, as well as our office building, and now we are more cautious. Life goes on and we are continuing to harvest, plant and nurture our forests for future generations. Our mills continue to make and distribute high quality forest products that we all use. After such an event, we look at life differently, but we must continue managing our forestlands. After all, they are not going anywhere.

We also manage our timber sales differently, as this 1999 arson was not our company's first experience with lawless behavior by radical activists. For example, our company has experienced these negative effects on our operation in southern Oregon in the early 1990s with the Sugarloaf timber sale on the Siskiyou National Forest. During logging operations we hired extra security and our operations were delayed. We even had protesters force one of our contractor's log trucks to come to a halt so an accomplice could lock himself underneath the truck. Trees were spiked with metal spikes. We have seen the results of lawless activities in the National Forests firsthand. From our perspective, purchasing timber from the National Forests has increased Boise Cascade's risk of being targeted by organizations like ELF.

In summary, ELF burned our office building. It was reported on December 31, 1999 by the Oregonian newspaper that Craig Rosebraugh received the ELF communiqué and that "he was pleased with the arson." ELF is a terrorist organization willing to break laws that we all live and work by. Boise Cascade lost little time getting back to the business of growing, harvesting, planting, and nurturing the forests in our charge. It did not change the company's desire to meet our customer's wood, paper and office products needs in the market place.

The terrorists did have an impact on how we view the world from a security perspective. And it also cost the company \$1.5 million. The primary impact of burning our office was on the personal lives of our staff. However, it also placed my staff, the firefighters, and me in harm's way, and it is only a matter of time before someone is seriously injured or killed. We have biologists who frequented that office at all hours of the night, coming or going on their rounds to survey for Spotted Owls and Marbled Murrelets. Any one of those workers could have been present, and injured or killed by ELF's terrorist activities.

Our personal and professional losses cannot be measured, so we are moving on. We only hope the cowards are caught and held accountable for the terror and destruction they have caused. Congress and others should recognize that these groups

are terrorists and these group should be sought out and prosecuted to the full extent of the law.

Thank you for the opportunity to comment on such an important and timely topic.

[A chart attached to Mr. Hicks' statement follows:]

U.S. Department of Agriculture: "Grants or Contracts received since October 1, 1998"

U.S. Forest Service Timber Sale Contracts currently held by Boise Cascade Corporation

Timber Sale	Contract No. (if available)	USFS Region	Sale Date	Agency Volume (ac)	Bid Amount (total \$)
Alton		Region 6 (NE WA)	1/18/1999	221	\$28,904.36
Bailout #2		Region 6 (NE WA)	5/6/2000	6,563	\$702,204.91
Berton		Region 6 (NE WA)	11/21/1999	6,167	\$225,716.32
Berton Hill		Region 6 (NE WA)	11/21/1999	9,771	\$83,519.35
Fritz Demo		Region 6 (NE WA)	6/2/2001	2,715	\$91,220.34
Lone Deer		Region 6 (NE WA)	9/1/1998	1,063	\$121,735.51
Mistletoe		Region 6 (NE WA)	12/21/1998	4,633	\$371,795.95
Nancy		Region 6 (NE WA)	12/1/1998	2,628	\$165,817.12
Oakley		Region 6 (NE WA)	10/9/1998	1,086	\$140,207.08
Redhill		Region 6 (NE WA)	3/23/2001	4,105	\$418,138.50
Robert Gulch		Region 4 (S. ID)	9/28/1998	11,178	\$405,090.72
Mallory Comm Thin		Region 6 (NEO)	12/8/1998	8,809	\$766,679.22
Foggy		Region 6 (NEO)	2/24/1999	3,824	\$258,555.36
Jack		Region 6 (NEO)	5/4/1999	10,359	\$568,537.34
Washington		Region 6 (NEO)	5/20/1999	15,847	\$1,178,037.75
Doe Hollow		Region 6 (NEO)	8/4/1999	7,450	\$638,975.00
Union Meadows		Region 6 (NEO)	9/23/1999	2,815	\$238,940.50
Dry Cr.		Region 6 (NEO)	9/23/1999	7,900	\$528,452.50
Mack Pine		Region 6 (NEO)	11/22/1999	8,024	\$544,099.66
East Pine 98		Region 4 (S. ID)	3/16/2000	15,746	\$793,440.94
Beav		Region 6 (NEO)	7/31/2000	4,706	\$341,811.75
Brownlee		Region 6 (NEO)	9/29/2000	1,792	\$161,658.12
Lower Feather		Region 4 (S. ID)	11/7/2001	5,538	\$341,918.12
Corn Creek		Region 4 (S. ID)	8/17/2001	5,450	\$173,037.50
Timber		Region 4 (S. ID)	1/7/2000	5,027	\$444,587.88
Cascade Cal ATV	95988	Region 6 (SWO)	5/29/1998	7,552	\$1,215,776.00
Dusty ATV	95830	Region 6 (Willamette NF)	12/11/1998	6,185	\$1,240,110.00
Dusty ATV Units 7 & 8	95830	Region 6 (Willamette NF)	7/16/1999	7800 (mbf)	\$843,888.00
Lost Creek	36030	Region 9 (Superior NF)	10/20/2000	2,351 (mbf)	\$863,349.43
Novak	36022	Region 9 (Superior NF)	9/27/1999	3,726 (mbf)	\$351,751.01
Two Moose	37343	Region 9 (Superior NF)	8/2/2000		\$67,855.99
Go Joe	37426	Region 9 (Superior NF)	9/5/2000		\$27,635.33
Gizmo	37426	Region 9 (Superior NF)	9/5/2000		\$27,635.33
Longhorn	37897	Region 9 (Superior NF)	9/28/2000		\$72,368.63
Plum Creek	29965	Region 9 (Chippewa NF)	12/17/2001		\$316,458.60
			3/28/2000		\$475,851.15

**Initial Sale Date - Sale was purchased by BCC as a 3rd Party Sale on 7-6-2000.

Other current contracts between U.S. Forest Service and Boise Cascade Corporation

Name	USFS Region	Date	Value
Rock Pit Lease (Browns Creek Timber Sale)	Region 4 (S.ID, Payette NF)	8/25/1999	\$4,302.00
Cost Share Easement w/ USFS (Rubicon Timber Sale)	Region 4 (S.ID, Payette NF)	7/6/1998	\$1.00

Mr. HANSEN. Thank you, Mr. Hicks.
Mr. Berman.

**STATEMENT OF RICHARD BERMAN, EXECUTIVE DIRECTOR,
THE CENTER FOR CONSUMER FREEDOM**

Mr. BERMAN. Thank you.

I'm going to abbreviate the remarks that I've submitted to the Committee.

It's not known that—it's known to many people that on September 11th, when we had the tragedies in New York and at the Pentagon, that a joint communiqué was issued by ALF and ELF, and I read from it.

"Activists working in the interest of both the Animal Liberation Frontline and the Earth Liberation Frontline torched a Tucson, Arizona McDonald's, causing more than \$500,000 in damage."

This release, this press release, joint press release by ALF and ELF, as I say, was issued on the same day. Total insensitivity by these organizations, obviously not caring what the public reaction would be to a group announcing this kind of domestic terrorism when we had just suffered something hours before. I think it says something about who we're dealing with when we start to talk about these groups. The underground ELF and ALF like to brag publicly about their felonies. ALF, as it has been mentioned here before, released a report in January, claiming responsibility for 137 crimes in 2001, and causing an estimated \$17.3 million in damage.

It doesn't appear that ALF and ELF will stop with damage to people and businesses with whom they disagree. They are aggressively new criminals to their gang. Incredibly, the groups' leaders have begun to distribute "how to" manuals on the Internet, describing how to build bombs and incendiary devices, how to destroy fields of genetically engineered food crops, and how to commit arson, thievery, and other felonies without leaving clues at the crime scene. There is even a volume on the easiest ways to sink a ship.

Any 10-year-old with a computer can download much of this reading material. For a few dollars and the cost of postage, ALF spokesperson, their current spokesperson, David Barbarash, will mail the rest of the materials to anyone who asks. I have submitted a copy of Mr. Barbarash's disturbing catalog for the record.

Equally troubling is the extent to which some eco-terrorists and animal rights criminals have managed to garner support both philosophical and financial from aboveground activist organizations, including those that enjoy the same tax benefits as our Nation's religious organizations and universities.

Between 1994 and 1995, for instance, People for the Ethical Treatment of Animals, known as PETA, gave over \$70,000 to an ALF criminal named Rodney Coronado, who was convicted of arson, a felony in connection with the \$1.7 million firebombing of a Michigan State University research facility. This amount, by the way, is more than 10 times the total that the same organization, PETA, devoted to animal shelters during those 2 years. In addition, both PETA and its president, Ingrid Newkirk, are acknowledged financial supports of an organization called "No Compromise," which operates on behalf of and for the underground supporters of the

Animal Liberation Front. I have just seen their tax returns for the fiscal year 2000. During that year PETA gave \$1,500 to the North American Earth Liberation Front. They didn't even try to hide it. Now, considering that nobody claims to lead or direct the Earth Liberation Front, it's curious that PETA was able to cut them a check.

I question—if you get a check and you can deposit it, you must have a bank account, and if you have a bank account, there must be someone who is an officer of the organization.

I think PETA, as an example, should be one of those organizations that eventually loses its tax exempt status if it is able to participate in funding of organizations like this.

Also during fiscal year 2000, PETA gave \$5,000 to the Josh Harper Support Committee. This is again information that just came to me within the last 24 hours. Josh Harper is an ALF-affiliated criminal who hosts an Internet video magazine full of ALF propaganda. He's been arrested a half dozen times and was convicted in 1998 for an assault on a police officer, and spent 45 days in jail for this assault.

Another eco-criminal, Dave Foreman, pled guilty in 1991 to felony conspiracy in a plot to blow up the power lines of three nuclear power generating stations. Mr. Foreman was a co-founder of the radical Earth First organization, and this is the group from which the Earth Liberation Front split during a 1992 meeting in England. Among its other claims to fame, Earth First actually published the newsletter articles in their journal from which the Unabomber, Ted Kaczinsky, chose his last two victims.

Now, here is a current issue of "Earth First." It's the current issue of "Earth First." I'd like to read to you from a section that shows pictures of people that are called "Most Wanted Eco-terrorists." Toward the bottom of the article, underneath the picture of many men and women, it says, "The earth is not dying. It is being killed, and the people who are killing it have names and addresses." And that's what you have here, names and addresses of people from universities, industries, business in general.

Now, just so that you don't think that's an anomalous, once-in-a-while, or I should say once-in-a-long-while occurrence, there's another group called SHAC. SHAC stands for Stop Huntingdon Animal Cruelty. SHAC is an organization that has terrified anyone connected with supporting Huntingdon Life Science, which is a British firm that does animal research to try and find cures for breast cancer, Alzheimer's, Parkinson's disease and other diseases which can only be found—cures can only be found through some animal testing, most of which is done on rodents.

And what they have done, is they have gone after people who are investors in the organization. There is a gentleman by the name of Parker Quillen, who holds less than a 10 percent interest in the organization, Huntingdon Life Science. And reading from the website, the SHAC website, it suggests he drives a bright blue Audi coupe, license plate number, gives his license plate number. He's 6 feet, 180 pounds, in his 40's, has glasses and wears a cap. He has a blond wife, Joan, black and white dog named Barney. Usually he goes out of town on weekends and comes back on Sun-

days around 5:30 p.m. Then it gives his home address and his two home phone numbers.

An organization called the Ruckus Society was started by another Earth First co-founder named Mike Roselle. This group was largely responsible for the 1999 anti-World Trade Organization protest in Seattle, which ended in mass rioting and the destruction of various businesses. The Ruckus Society trains young activists in the techniques of “monkey-wrenching,” which when applied, result in property crimes of enormous financial cost.

The Ruckus Society and the Rainforest Action Network, which is another outfit founded by—

Mr. MCINNIS. [Presiding] Mr. Berman?

Mr. BERMAN. Yes, sir?

Mr. MCINNIS. We need to wrap up. I know that you had a—

Mr. BERMAN. I am sorry, sir. I’ll be done in 30 seconds.

Just want you to know that these organizations have received contributions from the Ted Turner Foundation, the Ben & Jerry’s Foundation. They have received money from the Tides Foundation, which in turn has been funded by the Ford Foundation.

And as a close to my testimony, I know this is not the proper Committee of jurisdiction, but I would hope that somebody would take a look at the tax-exempt status of some of these organizations that are either directly or indirectly funding some of this domestic terrorism.

[The prepared statement of Mr. Berman follows:]

**Statement of Richard B. Berman, Executive Director,
Center for Consumer Freedom**

Mr. Chairman, Members of the Subcommittee, my name is Richard Berman. I am the Executive Director of the Center for Consumer Freedom, a nonprofit organization based in Washington, DC. The Center does not accept and has never received government funds.

On behalf of American restaurant operators and food producers, I would like to thank you for holding this hearing today. Eco-terrorism is indeed alive and well in the United States of America, and it shares a common heritage with violent animal-rights extremism. These radical movements have been responsible for well over 1,000 documented criminal acts in the U.S., most of which would be prosecuted as felonies if the perpetrators could be brought to justice.

I am not talking about peaceful protest, pickets, sign waving, slogan chanting, or forms of civil disobedience that are protected by the First Amendment. Rather, America’s present environmental and animal-rights terrorists have committed arson, assaults, vandalism on a massive scale, and a host of other property crimes that cripple food producers and resource providers, and occasionally lay waste to entire restaurants.

On September 11th of last year, on the very day America mourned the loss of thousands of lives to foreign terrorists, our own home-grown version (the Earth Liberation Front and the Animal Liberation Front, known as “ELF” and “ALF”) took joint credit for firebombing a McDonald’s restaurant in Tucson, Arizona.

There is no doubt now, and the FBI concurs, that the Earth Liberation Front is associated with the Animal Liberation Front. Special Agent David Szady (now the U.S. counterintelligence executive) has told CNN that “by any sense or any definition, this is a true domestic terrorism group, that uses criminal activity to further their political agenda.”

During the past three years alone, ELF and ALF have claimed responsibility for smashing bank windows, torching a chicken feed truck, burning a horse corral at a Bureau of Land Management facility, firebombing dealer lots full of sport utility vehicles, destroying valuable scientific laboratory equipment and many years worth of irreplaceable research documents, “spiking” trees in the Pacific Northwest, and even setting bombs under meat delivery trucks.

There should be no sympathy for intentionally committed felonies of this magnitude. Eco-terror and animal-rights crimes have become everyday events in America, yet they are among our most under-reported and least-punished offenses.

Members of the Subcommittee, on rare occasions the criminals responsible for these violent and unlawful acts are captured. Just two weeks ago a pair of animal-rights terrorists were sentenced to prison terms for attempting to blow up a dairy truck near San José, California. They were caught red-handed, with home-made bombs just as deadly as those being exploded by other terrorists in the Middle East. But the vast majority of crimes like these go unpunished. The underground ELF and ALF even have the gall to brag publicly about their felonies. ALF actually released a report in January, claiming responsibility for 137 crimes in 2001, and causing an estimated \$17.3 million in damage.

ALF and ELF won't stop with damage to people and businesses with whom they disagree. Rather, they are aggressively recruiting new criminals to their vicious gang. Incredibly, the group's leaders have begun to distribute "how-to" manuals on the Internet, describing how to build bombs and incendiary devices, how to destroy fields of genetically-engineered food crops, and how to commit "arson," "thievery," and other felonies without leaving clues at the crime scene. There is even a volume on the easiest way to sink a ship.

Any 10-year-old with a computer can download much of this reading material. For a few dollars and the cost of postage, ALF "spokesperson" David Barbarash will mail the rest of the materials to anyone who asks. Mr. Chairman, I have submitted a copy of Mr. Barbarash's disturbing catalog for the record.

Equally troubling is the extent to which some eco-terrorists and animal-rights criminals have managed to garner support, both philosophical and financial, from above-ground activist organizations, including those that enjoy the same tax benefits as our nation's churches and universities.

Between 1994 and 1995, for instance, People for the Ethical Treatment of Animals gave over \$70,000 to an Animal Liberation Front criminal named Rodney Coronado, who was convicted of arson, a felony, in connection with the \$1.7 million firebombing of a Michigan State University research facility. This amount, by the way, is more than ten times the total that the same organization (PETA) devoted to animal shelters during those two years. In addition, both PETA and its president, Ingrid Newkirk, are acknowledged financial supporters of an organization called No Compromise, which operates on behalf of, and for the "underground" supporters of the Animal Liberation Front.

PETA raised over \$15 million last year from the general public, all of it tax-exempt. When will PETA be held accountable?

Another eco-criminal, Dave Foreman, pled guilty in 1991 to felony conspiracy in a plot to blow up the power lines of three nuclear power generating stations. Mr. Foreman was a co-founder of the radical "Earth First!" organization, the group from which the Earth Liberation Front split during a 1992 meeting in the United Kingdom. Among its other claims to fame, Earth First! actually published the newsletter articles (in the Earth First! Journal) from which "Unabomber" Ted Kaczinsky chose his last two victims.

An organization called the Ruckus Society was started by another Earth First! co-founder named Mike Roselle. This group was largely responsible for the 1999 anti WTO protests in Seattle, which ended in mass rioting and the destruction of Starbucks and McDonald's restaurants. The Ruckus Society trains young activists in the techniques of "monkeywrenching" which, when applied, result in property crimes of enormous financial cost.

The Ruckus Society and the Rainforest Action Network (another outfit founded by Mr. Roselle) are tax-exempt organizations that have enjoyed contributions from such mainstream sources as Ted Turner and Ben & Jerry's. When will this breeding ground for environmental criminals be held accountable?

Ruckus, by the way, also gets funding from a San Francisco outfit called the Tides Foundation, which distributes other foundations' money while shielding the identity of the actual donors. Our tax law permits this sort of money-laundering. If the public is prevented from learning where a tax-exempt organization like the Ruckus Society gets their money, then the legal loopholes that permit foundations like Tides to operate as it does should be closed.

Mr. Chairman, these are all serious charges that I am making, and I urge this Committee to fully investigate the damage that ALF, ELF, and other like-minded terrorist groups have caused to American businesses, American livelihoods, and the American psyche. I would also urge the appropriate Congressional committee to explore the tax-exempt status of groups that have helped to fund—directly or indirectly—these domestic terrorists.

Thank you, Mr. Chairman, for holding this hearing.

INVENTORY OF EXHIBITS TO MR. BERMAN'S TESTIMONY

1. Joint "communiqué" from the Earth Liberation Front and the Animal Liberation Front, issued on September 11, 2001, taking responsibility for the fire-bombing of a McDonald's restaurant in Tucson, AZ: [http://groups.google.com/groups?q=ALF+McDonalds+Tucson&selm=9nuodm\\$259s\\$1@pencil.math.missouri.edu](http://groups.google.com/groups?q=ALF+McDonalds+Tucson&selm=9nuodm$259s$1@pencil.math.missouri.edu)
2. New York Post article from June 14, 2001 describing significant damage to a Bank of New York branch in Suffolk County, NY
3. Earth Liberation Front "communiqué" taking responsibility for torching a U.S. Bureau of Land Management horse corral facility near Susanville, CA: <http://www.earthliberationfront.com/news/2001/011015c1.html>
4. AP story from July 21, 2001, linking ELF criminals to the arsons of a police station and a Chevrolet sport utility vehicle dealer. One suspect, Jeffrey Luers, was later convicted and sentenced to 22 years in prison for crimes including the SUV attack.
5. ELF "communiqué" related to a tree-spiking crime in the Nez Perce National Forest (November 5, 2001): <http://www.earthliberationfront.com/news/2001/011105c1.html>
6. ALF press release related to the arson of a chicken feed truck owned by Rose Hill Farms in North Vernon, IN (July 4, 2000): <http://www.animalliberation.net/news/00/000704m1.html>
7. ALF press release related to the destruction of nearly \$1 million in property at an agricultural biotechnology laboratory on the campus of Michigan State University (December 31, 1999): <http://www.animalliberation.net/news/99/991231c1.html>
8. AP story detailing (August 13, 1991) how Earth First! co-founder Dave Foreman pled guilty to felony conspiracy in connection with a plot to blow up power lines serving three nuclear facilities. He was given a suspended sentence, and his felony conviction was replaced with a misdemeanor plea upon the completion of his probation.
9. Article from the San Francisco Chronicle describing the sentencing of ALF terrorists Peter Schnell and Matthew Whyte for the attempted arson of trucks belonging to a dairy distributor (January 29, 2002): <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/01/29/MN29394.DTL>
10. Scripps-Howard news story about an Earth Liberation Front attack on a warehouse used to store biotech cotton, published in the Sacramento Bee on March 5, 2001. The story describes, among other things, the 1992 spin-off of the Earth Liberation Front (ELF) from Earth First!
11. Excerpt from the transcript of the "guilty plea" hearing of convicted "Unabomber" Theodore Kaczynski, held in Sacramento, California on January 22, 1998 (United States vs. Theodore Kaczynski). Kaczynski willingly agreed with the prosecution's assertion that he used an article published in the Earth First! Journal to choose at least one of the victims of his fatal mail bombs. <http://www.cdfc.org/guilty.htm>
12. Excerpt from an Internet web page titled "About No Compromise," archived on May 15, 1999. No Compromise is an organization which publishes a journal on behalf of "underground" members of the Animal Liberation Front. Among the group's "Steering Committee" is at least one acknowledged ALF terrorist. Among the group's listed financial supporters are Ingrid Newkirk and her organization, People for the Ethical Treatment of Animals (PETA). <http://web.archive.org/web/19990501135838/http://www.enviroweb.org/nocompromise/about.html>
13. A page from the 1995 annual tax return (form 990) of People for the Ethical Treatment of Animals (PETA), showing a \$45,200 payment for the "support committee" of Rodney Coronado, a felon. Mr. Coronado was convicted of arson in federal court for the 1992 firebombing of a Michigan State University research lab.
14. Another page from PETA's 1995 annual tax return, showing a \$25,000 "loan" to Rodney Coronado's father, Ray Coronado. In a telephone call on February 5, 2002, the elder Coronado acknowledged that the money was a gift, not a loan, and was used for his son's ultimately failed legal defense.
15. Cover page for PETA's tax return (form 990) for the fiscal year ending July 31, 2000 (the most recent year available). It shows a one-year income of over \$15.8 million, all of it tax exempt. In that same year, PETA spent over \$17 million, and still had \$4 million left over in assets. This form is available on-line from the California Attorney General's Office "charities search" web site. <http://167.10.5.131/Ct0401-0500/0439/1MTSWW8.PDF>
16. Tax return pages from 1999 and 2000 showing \$592,000 in payments from The Foundation to Support Animal Protection (FSAP) to the Physicians Committee for Responsible Medicine (PCRM). These were the only grants made by FSAP dur-

ing those years. FSAP is housed at PETA's Norfolk, Virginia headquarters, and is co-chaired by PETA president Ingrid Newkirk and PCRM president Neal Barnard.

17. Letter (2 pages) co-signed by PCRM president Neal Barnard and former ALF "spokesperson" Kevin Kjonaas. Mr. Kjonaas is presently the leader of "Stop Huntingdon Animal Cruelty" (SHAC), an animal-rights organization which has been responsible for arsons, physical assaults, millions of dollars in property damage, and over a hundred other criminal acts in the U.S. and the United Kingdom.

18. One page from a "Stop Huntingdon Animal Cruelty" (SHAC) Internet web site, advocating the harassment of specific employees of Quilcap Corporation, because the company owns a 10% stake in Huntingdon Life Sciences (HLS). Information is given on the targets' physical description, spouses, family pets, unlisted phone numbers, and even license plate numbers. <http://www.october29.org/shacusa/investor—oct22.htm>

19. Descriptions from two SHAC web pages wherein ALF terrorists take credit for vandalism, breaking-and-entering, credit-card fraud, and grand larceny. These crimes were perpetrated against Mr. Warren Stephens, whose investment company bailed out Huntingdon Life Sciences after its British investors had been so terrorized by SHAC that they pulled their financing of HLS. While ALF took credit for these crimes, SHAC publicized them, suggesting that the two are connected if not identical. Kevin Kjonaas leads SHAC. He was previously the "spokesperson" for ALF. <http://www.october29.org/shacusa/news—jan3.htm>: <http://www.october29.org/shacusa/news—jan6.htm>

20. A copy of the "Black Cat Distro" catalog (in its entirety), created and circulated on the Internet by ALF "spokesperson" David Barbarash. Mr. Barbarash sells arson manuals, how-to guides on building incendiary devices, handbooks on destroying biotech food crops, and other publications that advocate illegal activity. Some of these materials are written by avowed ELF and ALF members; others were written by Earth First! members, including that group's founders. While Mr. Barbarash lives in Canada, he does accept orders from the United States. www.tao.ca/otter/Black—Cat—Distro—Catalogue.pdf

21. Internet web site pages showing two \$50,000 payments (1997 and 1999) from the (Ted) Turner Foundation to the Ruckus Society. <http://www.turnerfoundation.org/turner/forest97—2.html>: <http://www.turnerfoundation.org/turner/habitat99—2.html>

22. Internet web page showing a \$100,000 payment from the Ben & Jerry's Foundation to the Ruckus Society, during the year 2001: <http://www.benjerry.com/foundation/funding.html>

23. Page from the 1999 annual tax return of the Tides Foundation, showing a \$5,000 payout to the Ruckus Society. Because of the Tides' nature as a pass-through grantor, there is no legal way to determine where this money originated. Tides isn't legally obligated to tell. <http://www.tidesfoundation.org/form—990.cfm>

24. A published profile of the Ruckus Society from www.ActivistCash.com, including quotes from its leaders about the nature and necessity of violence. Mr. Berman's organization publishes this web site. <http://www.consumerfreedom.com/activistcash/org—detail.cfm?ORG—ID=188>

25. Transcript of a Fox News Channel segment (February 12, 2001) dealing with the tactics of the Rainforest Action Network, an organization founded by Mike Roselle, a former Earth First!er who also co-founded the Ruckus Society: <http://www.ranamuck.org/foxnews.htm>

26. "Government's Sentencing Memorandum" (in its entirety) from The United States of America vs. Rodney Coronado. Submitted July 31, 1995 by United States Attorney Michael H. Dettmer. The Hon. Richard A. Enslen presided. <http://www.cdfe.org/Sentencing—Memo.pdf>

27. "Setting Fires With Electrical Timers: An Earth Liberation Front Guide" (in its entirety), a how-to manual on building and detonating incendiary devices. This document is available on the Internet and can be printed by any 10-year-old with a computer. <http://www.earthliberationfront.com/library/elf—manual300.pdf>

28. End-of-year report (in its entirety) released by ALF "spokesperson" David Barbarash on January 12, 2002. The report smugly detailing 137 crimes committed by both ELF and ALF terrorists, which resulted in an estimated \$17.3 million in damages. Note: this is ALF's estimate. Actual property damage totals are likely several times higher. <http://www.animalliberation.net/library/2001DirectActions.pdf>

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The New York Post

June 14, 2001, Thursday

SECTION: Metro+Sports Extra; Pg. 019

LENGTH: 210 words

HEADLINE: ECO-VANDALS GUM UP L.I. BANK ATMS

BYLINE: LEONARD GREENE

Eco-terrorists have made ATM stand for A Terrible Mess at several Long Island banks.

Customers of the Bank of New York got a sticky surprise yesterday when they tried to get money out of cash machines - the card slots were jammed with plastic, and the keypads were covered with glue. Five branches in Nassau and Suffolk counties were vandalized early yesterday morning by animal-rights zealots who claim the bank does business with Huntingdon Life Science, a European company that tests pharmaceuticals on animals.

The most severe damage was found at the branch at the Suffolk County Office Building in Farmingdale. There, 25 windows were smashed, and the slogans "ALF" and "ELF" were spray painted on walls outside.

The Animal Liberation Front has close ties to the Earth Liberation Front, a radical underground environmental group.

One ELF member is facing arson charges for fires this year at several Suffolk County construction sites. The fires have caused nearly \$37 million in damage.

At BNY branches in Commack and Babylon, vandals spread glue on the ATM keypads and jammed the card slots with plastic strips. In the town of Huntington, the zealots glued the locks, and they spray-painted slogans at the branch in Kings Park.

The Associated Press State & Local Wire

July 21, 2001, Saturday, BC cycle

SECTION: State and Regional

HEADLINE: Task force closes in on Northwest arson suspects

DATELINE: EUGENE, Ore.

Investigators are focusing on at least three suspects in a string of Northwest arsons that have caused \$7.4 million in damage over the past 10 months, police said Friday.

The suspects, believed to be members of the radical environmental group the Earth Liberation Front, used "signature" firebombs that link them to five arsons from Eugene to Seattle, The Oregonian reported in its Saturday edition.

Investigators did not release the suspects' names or say where police suspect they are hiding. A multiagency task force says the ELF arsonists first struck a Eugene police substation last Sept. 6. Then they set fire to Glendale's Superior Lumber on Jan. 2 and the Romania Chevrolet dealership in Eugene on March 30. In their most sophisticated attack, the saboteurs set near-simultaneous fires May 21 at Jefferson Poplar Farm near Clatskanie and the University of Washington's horticulture center in Seattle.

"We think we've got the right group of people," said Eugene police Capt. Thad Buchanan, spokesman for the task force that includes detectives from the Eugene Police Department, federal Bureau of Alcohol, Tobacco and Firearms, the FBI, Lane County Sheriff's Office, state police and the U.S. Forest Service.

"When we make this case, I think we're going to knock the legs right out from under them," he said.

The ELF says it sabotages enterprises that harm the natural world. They have frequently set fire to logging companies, commercial developers, biotech enterprises and federal agencies that manage forests and wildlife.

Members of the ELF typically commit crimes and then claim responsibility for them through intermediaries, such as Portland's Craig Rosebraugh. Rosebraugh says he is not a member of the ELF and does not know any members - but relays anonymous releases he receives.

He could not be reached for comment Friday.

All five Northwest fires were ignited by incendiaries made with cheap digital timers and large containers of fuel, said task force member John McMahon, an ATF agent in Portland.

<6 paragraphs deleted>

The Associated Press

August 13, 1991, Tuesday, AM cycle

HEADLINE: Defendants in Earth First! Case Plead Guilty; Judge Considering Deal

BYLINE: By AL BRAVO, Associated Press Writer

DATELINE: PRESCOTT, Ariz.

Five environmental activists pleaded guilty Tuesday to federal charges in an alleged plot to sabotage nuclear facilities in three states, but the judge didn't immediately accept the plea bargain.

The defendants, including the co-founder of the radical environmental group Earth First!, entered their pleas in the middle of their federal court trial.

U.S. District Judge Robert Broomfield continued the trial until Sept. 10, saying he would decide before then whether to accept the deal. Prosecutor Roslyn Moore-Silver said the agreement called for all the pleas to be accepted as a package or they would be withdrawn and the trial would resume.

The government accused the defendants of conspiring in January 1989 to damage power lines and transmission towers serving the Rocky Flats nuclear weapons plant outside Denver; the Diablo Canyon Nuclear Generating Facility near San Luis Obispo, Calif.; and the Palo Verde Nuclear Generating Station west of Phoenix.

The acts never were carried out.

Defense attorneys argued that their clients were entrapped as part of a government plan to silence Dave Foreman, 44, of Tucson, who helped found the 11-year-old group Earth First!

Foreman pleaded guilty to one count of conspiracy. Under the agreement, sentencing on the felony charge would be

delayed five years. Then he would enter into an alternative plea agreement or plead guilty to a misdemeanor, deprivation of government property.

The other defendants' pleas involved an alleged attempt to cut 12 pylons holding up a ski lift at the Snowbowl Ski Resort near Flagstaff. They are Mark Davis, 40; Margaret Millett, 37; Ilse Asplund, 37; and Marc Baker, 39. They're all from Prescott.

Here are their pleas and possible sentences:

-Davis, one count of malicious destruction of property, six years in prison and a \$ 250,000 fine.

-Millett, one count of aiding and abetting malicious destruction of property, three years in prison and a \$ 250,000 fine.

-Baker and Asplund, one count each of failing to report a felony, a year and a day in prison and a \$ 250,000 fine.

Opening arguments began June 19 with a scheduled recess in late July. The trial had been expected to run into mid-October.

In an interview late Tuesday, Foreman said he will continue to promote conservation but with "more mainstream" groups, such as the Sierra Club and the The Nature Conservancy.

Earth First! is a loosely knit group that uses a clenched fist as its logo and features the motto "No Compromise in the Defense of Mother Earth."



The Sacramento Bee

March 05, 2001

Eco-terrorism group claims Calif. attack

BY SAM STANTON

The fire was fairly large, but it broke out in the middle of the night in an empty building in rural Tulare County, Calif., and hardly warranted a mention in local newspapers.

Then, five days later, the e-mail message went out.

"We chose this warehouse because it contained massive quantities of transgenic cotton seed in storage," the message said. "But now, this seed will no longer exist to contaminate the environment, enrich a sick corporation, or contribute to its warped research programs." The message was from the Earth Liberation Front, a shadowy group the FBI considers one of the nation's leading domestic terrorist organizations.

And although the fire at the Delta & Pine Land Co. cotton gin marked the first time the ELF has claimed responsibility for an attack in California, the group made it clear it will not be the last.

"This action by the ELF comes after a quiet winter of no direct actions against genetic engineering," said a statement released with the group's claim of responsibility. "It is expected that with the upcoming growing season direct actions against facilities producing and testing genetically engineered organisms will resume."

Officials say many questions remain about whether the self-styled guardians of the Earth's environment really are responsible for the Feb. 20 fire south of Fresno.

But the ELF's track record - with nearly \$40 million in damages attributed to its actions in the United States since 1997 - made the claim serious enough to attract the FBI's attention.

FBI offices nationwide have been tracking ELF actions for several years. Agents hope to infiltrate the group, and the agency has called on mainstream environmental groups to help track down ELF members. The ELF claims none of its American members ever have been arrested.

But the first major breakthrough may have come three weeks ago, when authorities in New York arrested four

teenagers in connection with a series of house arsons and acts of vandalism that officials tied to the ELF. Three of the teens since have pleaded guilty.

In the California fire, FBI agents are working with fire investigators to determine what caused the blaze and why.

"We're aware of it and aware of the claim of responsibility," said Sacramento FBI spokesman Nick Rossi. "But beyond that, we're still working to confer with the fire folks down there to determine whether they have information as to the actual cause of the fire."

Fire investigator Mike Davidson said he had not determined yet whether to classify the fire as an arson.

The burned building rarely is used, with most activity there coming in the fall months, Davidson said. "It's a real small operation where they do testing of cotton and seeds," he said. "Most people don't know anything is done in that building. I've lived here 12 years and never saw any activity out there."

Delta & Pine Land officials did not return three telephone calls seeking comment.

ELF claims to be an offshoot of the radical Earth First. On its Web site, it says it emerged in Brighton, England, in 1992 through Earth Firsters who did not want to abandon the option of criminal acts to further their environmental goals.

Since then, ELF activity has increased in scope and sophistication, with arson fires causing millions of dollars in damage at meatpacking and U.S. Department of Agriculture offices, lumber operations, horse corrals and places where the group believed genetic engineering of plants was being studied.

ELF's biggest target was a ski resort expansion project in Vail, Colo., where an October 1998 arson fire caused at least \$12 million in damages.

RICHARD BERMAN

FEBRUARY 12, 2002

EXHIBIT 13

SCHEDULE OF DONATIONS - FY 1995		
DATE	RECIPIENT/PURPOSE	AMOUNT
	(TO SUPPORT ORGANIZATIONS PROGRAMS)	
12/20/94	IN DEFENSE OF ANIMALS 816 WEST FRANCISCO BLVD. SAN RAFAEL, CA 94901 (FOR REFERENDUM DRIVE)	1,500.00
01/04/95	ALLIANCE FOR ANIMALS 122 STATE ST., # 309 MADISON, WI 53703 (TO SUPPORT ORGANIZATIONS PROGRAMS)	300.00
01/13/95	UNIVERSITY OF IOWA ANIMAL COALITION 902 N. DODGE ST., APT. A-11 IOWA CITY, IA 52245 (TOWARD EDUCATIONAL WORK)	300.00
01/20/95	DEBORAH STOUT/R. CORONADO SUPPORT COMMITTEE 810 S. 4TH WEST MISSOULA, MT 59801 (DONATION TO SUPPORT COMMITTEES WORK)	790.00
01/20/95	RODNEY CORONADO SUPPORT COMMITTEE P.O. BOX 1891 TUCSON, AZ 85702 (DONATION TO SUPPORT COMMITTEES WORK)	45,200.00
01/30/95	P.C.R.M. P.O. BOX 6322 WASHINGTON, DC 20015 (DONATION TO SUPPORT COMMITTEES WORK)	10,000.00
01/31/95	ANIMAL REFUGE KANSAI 595 NOMA OHARA, NOSE-CHO TOYONO-GUN, OSAKA-FU 563-01, JAPAN (FOR DISASTER RELIEF)	3,000.00

People For The Ethical Treatment of Animals

RICHARD BERMAN

FEBRUARY 12, 2002

EXHIBIT 14

People for the Ethical Treatment of Animals, Inc.

52-1218336

1994 Form 990

Part I

Line 8 (A)

Sales of publicly traded securities

Gross sales price	\$ 3,947,906
Basis	\$ 3,974,067
Loss on sales	\$ (26,161)

Line 8 (B)

Description	Date Acquired	How Acquired	Date Sold	Sales Price	Cost or Value	Depreciation	(Loss)
Vending Cart	6/05/92	Purchase	5/01/95	\$350	\$3,600	\$2,697	\$(553)

Part IV

Line 50 Loan Receivable

<u>Borrower</u>	<u>Original Amount</u>	<u>Balance Due</u>	<u>Date</u>	<u>Maturity Date</u>	<u>Payment Terms</u>	<u>Interest Rate</u>
Jeanne Roush	\$21,000	\$21,000	1/9/95	Demand	Open	9.0%

Line 51 Notes receivable

<u>Borrower</u>	<u>Original Amount</u>	<u>Balance Due</u>	<u>Date</u>	<u>Maturity Date</u>	<u>Payment Terms</u>	<u>Interest Rate</u>
Jesse Dean and Luz A. Longacre	\$52,500	\$51,605	9/2/92	9/02/07	\$403.69/mo.	8.5%

Ray Coronado	\$25,000	\$26,375	12/21/94	Demand	Open	9%
Carroll John	\$ 4,805	\$ 4,251	3/21/95	Demand	\$133.47/mo. Non-Interest Bearing	
		<u>\$82,231</u>				

RICHARD BERMAN

FEBRUARY 12, 2002

EXHIBIT 16

990 Federal Statements Page 2	
Foundation to Support Animal Protection 52-1442214	
Statement 2 Form 990, Part I, Line 8 Net Gain (Loss) from Noninventory Sales	
Publicly Traded Securities:	
Gross sales price:	1,536,624
Cost or other basis:	1,548,944
Gain (Loss)	\$ -12,320
Other Assets:	
Description:	Equipment
Date Acquired:	3/06/98
How Acquired:	Purchased
Date Sold:	1/28/00
To Whom Sold:	
Gross sales price:	300
Cost or other basis:	2,070
Expenses of sale:	0
Depreciation:	961
Gain (Loss)	\$ -809
Gain (Loss) from other assets	-809
Total Gain (Loss)	\$ -13,129
Statement 3 Form 990, Part I, Line 20 Other Changes in Net Assets or Fund Balances	
Net unrealized gain on securities	\$ 97,329
Rounding	1
Total	\$ 97,330
Statement 4 Form 990, Part II, Line 22 Grants and Allocations	
Cash Grants and Allocations:	
Donee's Name:	Physicians Comm Resp Med Washington, DC
Relationship of Donee:	Supported Organization
Amount Given:	\$ 432,524
Total Cash Grants and Allocations	\$ 432,524
Total Grants and Allocations	\$ 432,524

FEDERAL STATEMENTS		PAGE 1		
FOUNDATION TO SUPPORT ANIMAL PROTECTION		52-1842274		
STATEMENT 1 FORM 990, PART I, LINE 8 NET GAIN (LOSS) FROM NONINVENTORY SALES				
PUBLICLY TRADED SECURITIES:				
GROSS SALES PRICE:	2,500.			
COST OR OTHER BASIS:	2,567,204			
GAIN (LOSS)		\$ -66,569		
TOTAL GAIN (LOSS)		<u>\$ -66,569</u>		
STATEMENT 2 FORM 990, PART I, LINE 20 OTHER CHANGES IN NET ASSETS OR FUND BALANCES				
NET UNREALIZED GAIN ON SECURITIES		\$ 89,930		
	TOTAL	<u>\$ 89,930</u>		
STATEMENT 3 FORM 990, PART II, LINE 22 GRANTS AND ALLOCATIONS				
CASH GRANTS AND ALLOCATIONS:				
DONEE'S NAME:	PHYSICIANS COMM RESP MED			
DONEE'S ADDRESS:	5100 WISCONSIN AVE, # 400			
	WASHINGTON, DC 20016-4019			
RELATIONSHIP OF DONEE:	SUPPORTED ORGANIZATION			
AMOUNT GIVEN:		\$ 160,000		
TOTAL CASH GRANTS AND ALLOCATIONS		<u>\$ 160,000</u>		
TOTAL GRANTS AND ALLOCATIONS		<u>\$ 160,000</u>		
STATEMENT 4 FORM 990, PART II, LINE 43 OTHER EXPENSES				
OTHER EXPENSES	(A) TOTAL	(B) PROGRAM SERVICES	(C) MANAGEMENT & GENERAL	(D) FUNDRAISING
BANK CHARGES	\$ 5,137	35	4,124	978
COMPUTER EXPENSES	141,401	150	119,173	22,078
CONSULTANTS	31,695	3,845	12,841	15,009
DUES & SUBSCRIPTIONS	2,061		1,941	120
INSURANCE	16,817		16,817	

Mr. MCINNIS. Thank you, Mr. Berman.

We will begin with the questions. I will start with questioning. Mr. Jarboe, can you give me an idea—first of all, what is the statute of limitations on the fire in Vail, and are we making progress on resolution?

Mr. JARBOE. Yes, sir. The fire in Vail is still under investigation, as all of these other incidents that have been discussed here today. We'll pursue those until we get subjects in custody.

Mr. MCINNIS. And the priority within the FBI, are they devoting the resources that are necessary to get ahead of this thing?

Mr. JARBOE. Yes, sir. The No. 1 priority in the Domestic Terrorism Program, which I run, is ALF/ELF. Actually, the only thing that has slowed us down and put us behind schedule is the unfortunate attack on September 11th, and then the anthrax issue in October that affected Congress so badly. That has put us behind because all of our resources have been put into those investigations. We're now getting those resources back regrouping, and we intend again to have ALF/ELF at the top of our list of terrorist groups that we're going after.

Mr. MCINNIS. Mr. Wharton, are you aware of the status of the fire investigation; are you satisfied?

Mr. WHARTON. We have been in regular contact with local FBI officers, who have assured us that it is a priority and that it is very much an open investigation.

Mr. MCINNIS. And what was the amount of damages, because see, I hear from 12 to 25 million. Can you give me a—

Mr. WHARTON. The lost assets were 12 million. The higher figures include loss of business from other local businesses, their estimations, but the actual loss of assets was \$12 million.

Mr. MCINNIS. Now, I think it was important, as you just mentioned, Mr. Wharton, that a number of people, the little tee-shirt shop downtown, people like that, that suffered as a result of this shortsighted action.

Mr. WHARTON. And those people by and large, at least from the anecdotal information I've received, weren't covered by loss-of-business insurance, et cetera, because it's just so hard to quantify.

Mr. MCINNIS. Mr. Hicks, very briefly, have you ever had any employee injured as a result of say a steel rod put into a tree or some other type act of environmental terrorism?

Mr. HICKS. Not that I'm aware of.

Mr. MCINNIS. And, Mr. Berman, you obviously have spent a lot of time on researching these different affiliates. Summarize again for very briefly, the Animal Liberation Front is tied in with the Earth Liberation Front, is tied in with PETA, that is tied in. Can you go ahead and walk me through that? Are they in fact—they all have fingers into each other? Do they have corresponding boards?

Mr. BERMAN. There are people who serve on the same boards. There is funding that goes back and forth. Some of the groups have been spun off to create a different persona.

I think one of the classics is that PETA created the Physicians Committee for Responsible Medicine. The Physicians Committee for Responsible Medicine is funded by a foundation that is—that only has PETA money. And the two people who decide where the money goes is the president of the Physicians Committee for Re-

sponsible Medicine and the president of PETA. And when you ask the Physicians Committee for Responsible Medicine are they connected to PETA, they say, "Oh, no, we have no connection at all." Except that's where they get the money.

Now, the Physicians Committee for Responsible Medicine has in turn co-signed a letter with the fellow Kevin—Kevin Kjonaas, who used to be the spokesperson for ALF. He is now the spokesperson for SHAC, which is the group that is going after any investor of Huntingdon Life Science.

So you can trace it from PETA—and I know this is somewhat confusing if you don't see it on paper—you can trace it from PETA to their foundation, to the Physicians Committee on Responsible Medicine, to SHAC, which is the group that is going after people who work for companies, and displaying their information and family information on the Internet and suggesting that people ought to do something with it. That is pretty seedy at best.

Mr. MCINNIS. And, Mr. Berman, two things. One, this physicians group you talk about, is that endorsed by the American Medical?

Mr. BERMAN. The American Medical Association has trashed their reputation. In fact, by their own admission, they have less than 5 percent of their membership as physicians. I would tell you that the Physicians Committee of Responsible Medicine is neither.

Mr. MCINNIS. And, Mr. Berman, would you provide for the Committee kind of a stick chart of the answer that you have just give to me, so that we can have it laid out in front of us what your investigation has revealed?

Mr. BERMAN. I will be happy to do that.

Mr. MCINNIS. Thank you.

Mr. Inslee?

Mr. INSLEE. Thank you.

Mr. Jarboe, I want to ask about some of the other victims of violence that we talked about. For instance, the group that was in the Forest Service office that was bombed in Carson City. You are familiar with that incident, I assume?

Mr. JARBOE. Yes.

Mr. INSLEE. In 1997 the Justice Department reported to Congress that they recommended, quote, "Continued vigorous investigation of these crimes, adequate protection for Federal officials who have been threatened, and vigorous prosecution of individuals who resort to violence in the name of some higher cause," close quote.

How has the FBI responded to that recommendation?

Mr. JARBOE. That instance and those issues are handled by our Criminal Division which comes outside the domestic terrorism issue. It's assault of a Federal officer. I can—I'll be happy to supply a written response and the figures that you're interested in, but since I don't work in that arena, I'd hesitate to give you specific figures and specific actions that that other division is taking at this time.

Mr. INSLEE. I would appreciate that. If you can do that, I would be appreciative. Has the FBI ever arrested anyone for criminal activity directed at Federal land managers or their offices?

Mr. JARBOE. And again, outside the terrorism issue, that's handled by the Criminal Division. I'm going to have to defer to them, and I will get those answers for you.

Mr. INSLEE. As far as how we define terrorism, let's say somebody was angry at the Forest Service for enforcing the Endangered Species Act. Let's say that it reduced timber harvest on their land, and that they were angry about that, they thought that was wrong. And they got together with a group of people who thought it was wrong to enforce the Endangered Species Act. And they caused—and they put a bomb in a Forest Service office and blew it up like happened in Carson City. Would that be considered terrorism as the way the FBI looks at it?

Mr. JARBOE. What you have to look at is the motivation behind the criminal act itself. If the motivation was to induce over—a long-term change in the Government or political entities, or social environment with a political agenda at the heart of the motivation, then it would become—come under the terrorist umbrella. If it's just a one-time act, irritation at an individual, or a specific one instance without looking at the long-term social change, then it would not.

Mr. INSLEE. Do you think that the Federal Government's response from a law enforcement standpoint ought to be the same in that situation as what occurred in the Vail arson situation; should there be the same vigor of investigation, for instance?

Mr. JARBOE. I do, absolutely. And regardless of whether it falls under the Criminal Division or the Terrorism Division, generally, the agents, especially in the smaller areas, they're covered by the RAs, it's the same investigator working under the same rules with the same enthusiasm and the same push from management to go out, find the perpetrators, get the legal evidence you need to go to a court of law and get them convicted.

Mr. INSLEE. Mr. Wharton, if I can ask you, you and your group have been the victim of a criminal act. Would you suggest to us that we treat other victims of other criminal acts, even if they're Government employees, who sort of are attacked by the other end of the ideological spectrum, should we treat those with equal respect, sanctity in an investigation?

Mr. WHARTON. Yes, sir, I would say so.

Mr. INSLEE. We appreciate your comment in that regard, and we will try to do that.

Mr. Berman, I wanted to ask you some questions about some folks that you've pointed a rather stark, accusatory finger at. I want to ask you about those questions. And the reason is, is that I think we've learned a couple things in our history. One, that we need to be very vigorous in our investigation of terrorism, and two, we need to be fairly cautious and careful on who we convict without adequate evidence, if you will. And you've pointed your finger at quite a number of groups: Ben & Jerry's Ice Cream, the Ford Foundation, and the People for Ethical Treatment of Animals. And I guess, are you asserting that the Ben & Jerry's folks have been involved in any criminal conduct?

Mr. BERMAN. I'm suggesting, sir, that they've directed money to organizations like the Ruckus Society, which train people in police confrontation tactics, and the Ruckus Society exists to train people

at ELF in monkey-wrenching, and there's evidence of their operating together, and the police have indicated that the Ruckus Society was basically the group that was responsible for the violent protests in Seattle and here in Washington some months ago connected with trade organization meetings.

Mr. INSLEE. So I guess the answer to my question would be no, you are not asserting that then; is that correct?

Mr. BERMAN. The answer is, is that they are giving money to organizations that participate in those activities. I don't think that they are giving money with the express purpose of funding those activities, but they are giving money for purposes of sustaining the organization, which may or may not have a direct—direct use when it comes to training people.

Mr. INSLEE. Well, Mr. Berman, have you filed any criminal complaint with any law enforcement agency against the folks associated with Ben & Jerry's Ice Cream, the Ford Foundation or the People for the Ethical Treatment of Animals?

Mr. BERMAN. No, sir, that's not my role.

Mr. INSLEE. Well, that is kind of curious to me because you have come forward to this Committee, and you are pointing these accusatory fingers at groups that you are ideologically against. You are selling lobbies for the tobacco industry and the restaurant industry, and against Mothers Against Drunk Driving, because you are against reducing the blood alcohol system. And it bothers me that you come forward and point these fingers in this Committee at groups you are opposed to without—you are telling me you have never filed a charge against these folks criminally. If you want to point this finger, why haven't you filed some charge criminally against these groups?

Mr. MCINNIS. Mr. Inslee, I believe that the witness has appropriately answered the question. You asked him the question if he felt there was criminal intent of Ben & Jerry's for example. He said no. He said they had given funding to those, so obviously he is not going to file a criminal complaint. All we are doing now is getting to the point where, Mr. Inslee, with all due respect, it appears to me to be a little intimidation of the witness, and—

Mr. INSLEE. Well, I appreciate the Chair's editorial comment, but the question stands, and I would like the witness to answer it. If you can answer my question?

Mr. MCINNIS. What was the question, Mr. Inslee?

Mr. BERMAN. I would be happy to answer. I think I know the question, and I thank the Chair for interceding.

I make no apologies about various clients that I have, but more importantly, Mr. Inslee, I am not the agency that should bring a criminal complaint against anyone. I did not allege that the Ford Foundation was connected with any terrorist activity. I said that the Ford Foundation had given money to another foundation, which is the Tides Foundation. If I failed to say that, let me interject that. They gave money to the Tides Foundation, who in turn gives money to the Ruckus Society.

Ben & Jerry's gave money directly to Ruckus, but I don't know that Ben & Jerry's—well, in fact, being that you—being that you're inquiring this directly, perhaps I can tell you, at least in one case, what the money was supposed to be used for, and then you can—

you can determine for yourself whether or not this was a proper expenditure of funds.

I hope you'll just allow me just 1 minute while I flip through some tax returns here. Well, here we are. This is the Turner Foundation, 1999, "\$50,000 to the Ruckus Society for support of direct action training camps designed to train grass roots advocates in the development of integrated strategic campaigns."

Well, that's a lot of weasel words, but at the end of the day the Ruckus Society challenges people—excuse me—trains people to challenge police, and the police will tell you that that is what the Ruckus Society is all about. In fact, I think they appropriately named themselves Ruckus.

I am not suggesting to you that Ted Turner or the people that sit on the Turner Foundation are anarchists. But I am telling you that the people who get this money use it for activities that you would not approve of, or I trust you wouldn't approve of.

Mr. INSLEE. Mr. Berman, I want to read a quote that has been attributed to you, and if it is inaccurate, I hope you will tell me. I read an interview with you in a magazine called "The Chain Leader." It is a restaurant trade publication. And it said, referring to the pro-vegetarian—by the way, of which I am not, I eat meat, wanted to let you know that—and you allegedly said, quote, "Our offensive strategy is to shoot the messenger. We've got to attack their credibility as spokespersons," close quote.

Now, I want to tell you, I had some concerns to make sure that this hearing focused on the folks who are really responsible for violence, and it didn't turn into a situation where people just sort of threw barbs at their political enemies. First off, was that your quote? And if so, two, in fact, is that your offensive strategy, to attack the credibility of your political enemies?

Mr. BERMAN. Well, it is a strategy to—to reposition people who have a pristine image which is undeserved. And so if in fact people have been guilty of crimes against society, I think it's fair to let the general public know about those crimes, and not let them go unreported. If that's shooting the messenger, then I'm guilty of it.

Mr. INSLEE. Thank you, Mr. Berman. I think that was a very candid answer.

Mr. BERMAN. Thank you, sir.

Mr. MCINNIS. Mr. Peterson.

Mr. PETERSON. Thank you. I would like to thank all the panelists for their good testimony.

Mr. Jarboe, in your testimony you mentioned a few organizations specifically. About how many eco-terrorism groups does the FBI believe now operate in the United States, and which are the most dangerous?

Mr. JARBOE. The most dangerous right now are the ALF/ELF. They're the most active. They cause most of the destruction that has been mentioned. SHAC is out there. Justice Department is out there. And if you want to go into all of the domestic terrorism groups, we'll get outside the eco-terrorism into the National Alliance, the Aryan Nations. There are a long litany. I can supply you with a whole long list of domestic terrorism groups, but right now as far as activity, destruction and danger to the public at large, I would put ALF/ELF at the top.

Specifically, the white supremacists, the Aryan Nations, and then those affiliates are on point individually, and with individual action more dangerous because they purposely go out to harm individuals or kill them. ALF/ELF says they don't do that, but if you take the totality of it, a one-time event versus the whole structure, then ALF/ELF by and large is the most active, most prolific group we're now looking at.

Mr. PETERSON. Can you describe the profile of a typical ELF member?

Mr. JARBOE. I don't know if there is any typical profile.

Mr. PETERSON. What sort of education, background, age range and so on?

Mr. JARBOE. You have young. You have old. You have well educated. You have poorly educated. You have idealists who have—disenfranchised with society. It runs the gamut. If you want to call a typical member, they would be a young person or the young idealist. Mr. Rosebraugh is probably as typical as you're going to get.

Mr. PETERSON. With the current activity that you said is increasing, do you think it's possible eventually that result in loss of life could happen from their actions?

Mr. JARBOE. Absolutely. If they continue with the road that they're going down, I'm sure there will be. Testimony was made earlier by the Congresswoman about a fireman who just barely made it out of a fire alive. And we've had witnesses, firemen, who have testified similarly. They were beams, and that they tested those beams after the fire was extinguished. If they had been up there another minute or two, they would have fallen to the floor and right in the middle of the fire. If they continue, someone's going to get hurt or killed.

Mr. PETERSON. Well, thank you. I really appreciate your testimony, and I hope you will keep this Committee informed of what we need to know in the future.

Mr. JARBOE. Yes, sir.

Mr. PETERSON. Mr. Wharton, you talked about the \$12 million to the facility. But what do you think was the estimated damage to the community and the loss of business and the loss of tourism? Anybody estimated the overall—

Mr. WHARTON. There have been estimates, Congressman, and they have ranged in the area of \$25 million and above, but as I said earlier, it's a very difficult figure to try and calculate. I would say though on just the—the emotional and psychological damage, it's been severe. It was something that shook individuals, the entire community to their core. And that hasn't healed.

Mr. PETERSON. How long before you were back in business?

Mr. WHARTON. We actually opened the mountain on time. We replaced temporarily Two Elk with a temporary structure for that ski season. The lifts were up and operating, so we opened the operation on time just through a herculean effort on the part of our company and our community.

Mr. PETERSON. Again, thank you for coming here today and sharing your horrible experience with us.

Mr. Berman, I want to congratulate you. You were just kind of chastised for what you are doing, but I want to congratulate you

for telling it like it is. I mean when we give money to organizations, if they become less than appropriate, then we should be apologizing and removing our resources. But when organizations and national leaders give money routinely, and prestigious foundations give money routinely to organizations who get on the criminal side, I think the world needs to know that. It will influence behavior.

We all know that a lot of our very liberal foundations give to organizations that the forefathers who raised those fortunes would be absolutely rolling over in their graves for. We see it all the time.

What if anything did the Animal Liberation Front have to do with the violent October 29th protest in Little Rock, Arkansas, and are ELF and SHAC made up of the same group of lawbreakers?

Mr. BERMAN. Well, I mentioned earlier about the listing of Parker Quillen's address and the information about his family on the Internet. Another investor in Huntingdon Life Science was Warren Stephens, who is an investment banker, and who basically bailed out Huntingdon Life Science because it was about to go under. The SHAC organization targeted Warren Stephens, targeted his home in New York, bragged on the Internet about trashing his home in New York, because he was an investor in the company.

They went after employees of Huntingdon Life Science in Little Rock where the Stephens' operation is located. SHAC again has as its apparent leader, Kevin Kjonaas, who spells his name different ways, and Kevin Kjonaas was the spokesperson for ALF prior to him moving over to SHAC. It's difficult for me to tell you what their real formal connection is other than the fact that it goes back to one of the earlier comments, that there is this trading of personnel, there's this trading of money. There are people who sit on joint boards. And at the end of the exercise, it's all about the same effort.

I believe that the U.S. Attorney's Office is involved, heavily involved, because of the Little Rock demonstration against Stephens and their employees.

Mr. PETERSON. I certainly hope so. I wish I had more time, but I will wait for another round.

Mr. MCINNIS. Mr. Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman.

Mr. Jarboe, can you estimate how many other—how many universities and colleges have been victimized by arson and vandalism?

Mr. JARBOE. I can't give you a specific today, but it's numerous across the country. It's not located—or just isolated in one location. Universities typically do research. They are a prime target, not only the animal research, but then—now we're looking at genetic engineering, and genetic engineering is becoming a field that's more popular now than it was years ago, and now the ELF folks are starting to target that. I can get you a specific number if you would wish.

Mr. SIMPSON. I would appreciate that.

Mr. Hicks, has your company experienced acts involving property destruction other than the Monmouth fire that you talked about?

Mr. HICKS. Yes, we have, Congressman. We had a timber sale in Southern Oregon called the Sugarloaf Timber Sale. Over 100 spikes were found from tree spiking.

Mr. SIMPSON. Let me ask you a question. What happens when a chain saw hits a tree spike?

Mr. HICKS. Well, it breaks the chain first thing. But I've never actually had it happen. I've hit a fence or two with a chain saw, and it hangs things up. I think the greater danger is in the sawmills and the veneer plants. All of our logs go to veneer plants that are in our area, and they have both sawmills and veneer plants in Southern Oregon. So they did find some of the spikes when they hit the lathe, and most of which they knew they were looking for spikes. And they had metal detectors out in the yard when they were scaling the logs to determine if they were there. So they found most of them, but they did hit some—some did hit the lathe, and they damage a lathe knife.

Mr. SIMPSON. Has the company experienced unlawful activities that may not rise to the level of these terrorist type activities that we are talking about?

Mr. HICKS. Yes. Certainly the kind of activities that I was mentioning with the Sugarloaf sale. We also had RAN, Rainforest Action Network, breach our security at our Boise Corporate office, got up on the roof. I'm not exactly sure what their intent was. Our office is a small field office and it's not a corporate office. So I don't know exactly what their intent was, but I know they caught them up on the roof.

We had situations where we were trying to access our own fee ground, and the groups—I don't know if they claimed anything; they did have stickers around with a RAN note on the—or "RAN" stenciled on the sticker, where they had pulled up some culvert pipe on BLM ground and ruined the culvert. And then they also—presumably it was the same bunch—dug a ditch across the road while it was raining, and caused some erosional damage to a fill slope. They put up tripods, these three-legged things, so that when you take it down, it's dangerous for the guy up there, so presumably you won't take it down. They put these up to delay our operations. They've had rocks, obstacles, old car bodies they put in the road to delay operations. They've stopped a log truck so an accomplice could climb under the truck and chain himself to the truck. So it's mostly delay tactics and that sort of thing.

Mr. SIMPSON. And RAN is the Rainforest Action Network?

Mr. HICKS. That's correct.

Mr. SIMPSON. Do you consider them an organization like ELF and ALF?

Mr. HICKS. I don't know that they've risen to the level of terrorism. I know that they've done unlawful type of acts in terms of breaching our security and trying to disrupt our operations. I would defer to the FBI here as to whether they're terrorism or just unlawful or not. That's not my area.

Mr. SIMPSON. Mr. Jarboe?

Mr. JARBOE. There's a fine line between lawful activity and unlawful. I'm not looking at the Rainforest folks right now as a terrorist group. What I do have in my section is a member of our Office of General Counsel, an attorney, and he's extremely critical

because we're looking at a very fine line between First Amendment rights and unlawful activity. Anything that we do, any case we open, any investigation we start, it has to be run through our counsel to make sure it meets all the parameters to be an investigation. Again, we want to lean far to the conservative side, and not step over or even get too close to the line where we're going to step on somebody's civil liberties and civil rights.

Mr. SIMPSON. And I appreciate that, because I agree with that. I think people ought to have the right to protest things. They ought to have the right to protest forest sales and other types of things. That is their First Amendment rights to do so. But when they engage in illegal activities of trying to stop it, that is where they cross the line.

What bothers me, I guess, is just a general statement. I don't know if anybody can answer or not, is that we get this North American Animal Liberation Front press office 2001 Year-End Direct Action Report, which reports all the activities that they have engaged in and taken credit for. Marshall Farms, 30 beagles and 10 ferrets rescued, claimed by ALF. It goes on and on, including fires and burnings and all that kind of stuff. How this stuff can get out on the Internet, and be put out on the Internet, where an organization is taking credit for something like this, and it doesn't seem like we can do anything about it. I guess it kind of surprises me that we can get terrorist camps in other places but we have trouble getting them here in the United States. And that is really not a question because we are out of time.

Mr. MCINNIS. Mr. Otter.

Mr. OTTER. Thank you, Mr. Chairman. Mr. Chairman, before I begin, I had a opening statement prepared, and I would like that, as well as a letter that I received from the Federated Women in Timber of Summerville, Oregon. I would ask unanimous consent that that be included in the record.

Mr. MCINNIS. Without objection, so ordered.

[The prepared statement of Mr. Otter follows:]

Statement of Hon. C.L. "Butch" Otter, a Representative in Congress from the State of Idaho

Thank you, Mr. Chairman, for holding this hearing today. This is a timely hearing on an issue that for far too long has been over looked. It is deeply troubling that as our nation battles the evils of terrorism abroad, we also face serious threats at home from so called eco-terrorists. These troubled individuals chose the despicable tools of violence and terrorism in the name of environmentalism.

I know first-hand the kind of destruction these terrorists perpetrate. Twice during the last year, the Biotechnology Laboratory at the University of Idaho in my district was attacked. On March 5th the University of Idaho biotech building was attacked by ELF who spray-painted painted the elevators, walls and windows. Again on June 10th the ELF - Night Action Kids cell claimed responsibility for painting the outside of the building with a message: "Go Organic." All told these events caused over \$20,000 damage to the University of Idaho Biotech Building.

In 1992 my district was also under attack from Earth First. Activists arrived in mid-July to protest road building in the Cove and Mallard areas. Fearing damage to road building equipment or tree spiking, the Forest Service responded by marshaling a force of federal law officers. The Nez Perce Forest Service spent more than \$260,000 to protect the public and the resources from this group.

I know of individuals and institutions who have been victims of ELF actions and are reluctant to step forward today and discuss what happened to them for fear of repercussions. This is just not right. No one should have to live in fear of attacks for doing an honest days work. I appreciate those who have come forward today to testify and help build a record for the committee.

Because of these attacks and concerns, I joined Congressman Nethercutt as a co-sponsor of H.R. 2795 the Agroterrorism Prevention Act of 2001. I look forward to working with the committee as it considers all of the eco-terrorism prevention legislation. It is my hope we can pass meaningful reform that will deter these harmful actions.

Eco-terrorists not only cause millions of dollars in damage to public and private resources, they injure innocent people in the process and pose a serious threat to innovation and scientific discovery. We must not allow this threat to society and to science to go unpunished.

I would like to submit comments from the Federated Women in Timber for the record.

Thank you, Mr. Chairman.

[A letter from the Federated Women in Timber of Summerville, Oregon submitted for the record follows:]

FEDERATED WOMEN IN TIMBER

68069 HUNTER RD • SUMMERVILLE, OR 97876

503-534-5345

House of Representatives
Committee on Natural Resources
U.S. Capitol
Washington, D.C.

February 6, 2002

Dear Mr. Chairman;

The federal government has a responsibility to protect rural America with the same intensity that it finds itself preparing for in urban areas. The increasing number of senseless, targeted attacks on federal land holdings, timber companies, public and private buildings, recreational areas as well as American citizens by self proclaimed eco-terrorists need to receive the scrutiny and vigorous prosecution that the victims of these senseless acts have long requested.

The heightened awareness and required national security measures following the terrorists attacks of September 2001, have extreme significance to the communities who have, for two decades, suffered at the hands of home grown domestic terrorists. Over the last few years there have been an increasing number of violent, destructive acts targeting recreational facilities, natural resource providers and medical research facilities. A few examples: a half million dollar fire at a Medford, Oregon timber company, a \$12 million dollar fire at a ski resort in Vail, Colorado, \$100,000 worth of fence damage in Wyoming, equipment and buildings destroyed at a vaccine lab in Wisconsin, damage to the Mexican consulate in Boston, arson fires in Indiana and Michigan, construction site damage in New York and thousands of life threatening tree spikes throughout our national forests. These and other atrocities total over \$42 million dollars of damage alone in just the 11 contiguous western states since 1980.

Local governments are voicing concerns about the particular vulnerability of communities in rural, heavily forested and recreation areas. These communities have concerns regarding the health of our national forests and the potential for devastating human caused forest fires. The conditions of federally owned land, particularly in the west are a disaster waiting to happen. The deterioration of these public lands are due to an excessive accumulation of fuel loads during prolonged periods of "hands-off" forest management practices. These fires threaten the safety of residents, the protection of private property, air quality and the water supplies of rural watersheds.

Extreme voices in the environmental movement have been slow and often resistant to denounce these vicious attacks, and by this conspicuous hesitation, have colored their own efforts and illuminated some underlying core values. Rural Americans have been aware for two decades of environmental efforts to stop, at any cost, activity on public or private property. These efforts have created an extremely volatile situation. A focused group of special-interest citizens have waged a rural cleansing war on America and its food and fiber producers. This practice has repeatedly

been enabled with the blessings of an intentionally mis-informed public and a sometimes willing, sometimes unsuspecting federal government. Environmental groups have fanned a flame of destruction toward America's rural residents and the nation's breadbasket. That devastation is currently being perpetrated by environmental zealots, armed with an almost religious conviction and, unfortunately, very few actual facts.

Terrorism is terrorism. It is defined as "the use of violence and intimidation, especially for political purposes". By any other name that is environmental extremism. Prior to 9-II, there appeared to be some degree of tolerance and accommodation for these acts, despite the fact that they undermine orderly disposition of public issues and disrupt community safety. Left unchecked, as they have been, the nature and intensity of these violent acts have escalated. President Bush has asked other countries to eliminate the terrorists within their borders and has even offered our help achieve that end. It is America's duty to clean its own backyard of terrorists as well. There is no distinction between whether these criminal, malicious attacks are perpetrated on Americans by foreign nationals or natural born citizens of this country. If these acts of terror are taught, sanctioned or enabled by others, those who enable, in cum, are just as guilty of acts of terror against Americans as those who would perform these lawless acts.

Thank you for this opportunity to address this important issue. We appreciate all you and your fellow congressmen do on our behalf.

Sincerely,

Colleen MacLeod
Federated Women in Timber

Mr. OTTER. Thank you very much.

Gentlemen, first let me thank you all very much for being here, especially those of you folks—and I am especially glad you are here from the FBI, sir—but especially you folks that represent private industry, because I know that industry and institutions, relative to this very hearing, in my district were threatened with reprisal if they came before this Committee and testified. And so I take my hat off to you, Mr. Wharton, to you, Mr. Hicks, and to you, Mr. Berman, for being here, because you are speaking for a lot of people that simply either they are CEOs or the presidents of the universities or whoever it was, asked that their testimony not be offered in front of this Committee. And you are speaking for some very courageous people, and I appreciate that.

Mr. Hicks, let me ask you, has the fire which you experienced in Oregon resulted from a change in the Forest Practices Act and your buying from the Forest Service?

Mr. HICKS. Well, it certainly changed the way we look at pursuing Federal timber sales or any sales as far as that goes. We're a lot more cautious about how we pursue sales, and when I instruct the crew that's going out and look at these sales, if it's a particularly controversial sale, we may not—we may not pursue it as hard. We'll maybe discount for delays and extra security costs, and any kind of extra cost that we might assume that are going to be involved in that completion of that sale. But we have not stopped looking at sales. We've just looked at them a lot more cautiously.

Mr. OTTER. Speaking of security, how has that changed; how has this terrorist attack against your corporation changed your regard for safety and the way you feel about it?

Mr. HICKS. Well, after listening today, I'm a little more concerned about my own safety, after listening to some of the comments. But we've increased our security around our facilities. Our

new office has complete video coverage inside and out. We've got, in some cases where there wasn't all-night guards, there are now. Fencing and such things like that are up in some areas where they weren't, or they're contemplated. It's just a whole new ballgame in terms of how we view security.

When we're out in the woods, if we view traffic out there, we try to get people to mark down license plates and understand who's out and about. So it's just a raised consciousness of everybody within our organization.

Mr. OTTER. Mr. Wharton, when you rebuilt—you did rebuild, right?

Mr. WHARTON. Yes.

Mr. OTTER. When you rebuilt, what kind of materials did you rebuild the lodge that was burned down by terrorists?

Mr. WHARTON. Well, that was part of the irony, Congressman. It was with logs.

Mr. OTTER. Logs that you had to buy from the Forest Service?

Mr. WHARTON. I don't know honestly whether it was from the Forest Service or not, but there were—

Mr. OTTER. You make my point, sir.

Mr. WHARTON. Yes.

Mr. OTTER. Is that it is kind of a self-defeating effort.

Mr. WHARTON. Actually, if I recall correctly, more logs were used in the reconstruction of Two Elk than were cut down in the ski area expansion that the ELF was protesting.

Mr. OTTER. Once again, Mr. Hicks, do you know a Rick Bailey? Are you familiar with that name?

Mr. HICKS. I know who he is.

Mr. OTTER. Who is he?

Mr. HICKS. I don't know the organization he's with. He's an environmental type from over in Northeast Oregon area. He's—predominantly was involved with the Snake River issues. I happened to see him at a leadership thing, and he made his case. He was a likable sort of a guy, but he was very much pushing an agenda.

Mr. OTTER. I see. And can you tell me if he was arrested here not too long ago for stealing timber from the National Forest Service?

Mr. HICKS. I read that in a bulletin of some sort, and I couldn't tell you right now what it was. It was where he was arrested for stealing some firewood, and frankly, I don't know all the details of that. I think I could get you the names of somebody that does though.

Mr. OTTER. Thank you. I would like to pursue, Mr. Berman, if I might, with you something that Mr. Simpson stated. How do these people stay on the Internet? Who keeps them on the Internet? I mean are they—who is their service provider? Are they provided this service by America Online or how can they have these catalogs for terrorism on the Internet?

Mr. MCINNIS. Let me remind the panel and my colleagues that we need to kind of keep within the time restrictions only in that we have one—

Mr. OTTER. I apologize.

Mr. MCINNIS. We have another panel, and I assume we want to give them a fair opportunity before the 6 o'clock vote. So if you can answer that very briefly, then we will proceed with Mr. Nethercutt.

Mr. BERMAN. There is a provider in Canada, a hosting service in Canada, which I assume is beyond the reach of the FBI. But there's also a domestic organization called Enviro Link, E-n-v-i-r-o, Link, which hosts the main ALF website. And that is an organization providing technical assistance to, call it domestic terrorism, call it legitimate discourse, if you will, but they are providing Internet services to ALF.

Mr. OTTER. Thank you, sir.

Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. MCINNIS. Mr. Nethercutt, you may proceed.

Mr. NETHERCUTT. Thank you, Mr. Chairman.

Thanks, gentlemen, for being here today and for your testimony.

Mr. Jarboe, let me ask you about H.R. 2795, the Agroterrorism Prevention Act that I have introduced and I referenced in my testimony. Will that help the FBI deal with some of the problems that we have had illustrated and testified to here today?

Mr. JARBOE. I would defer specific comment to the bill to the Department of Justice as the parent. What we would like in general is more teeth to laws that are out there, to give us more flexibility in our actions. If we are restricted, then what we can do is obviously going to be restricted. If laws are introduced to make it more flexible for us, then we have more flexibility.

Mr. NETHERCUTT. Would the RICO connection or provision assist the FBI in sort of getting to the source of some of these terrorist groups?

Mr. JARBOE. The RICO statutes are one that we are looking at as a possibility to apply to our investigation, yes, sir.

Mr. NETHERCUTT. Mr. Wharton, this particular bill has a provision for the hardening of facilities, for establishing a research facility—program I should say, that would assist facilities in watching for terrorist acts and recording them and so forth. Would that assist you folks in Vail, sort of this new late-generation determination of what is the highest and best security for facilities like this and others?

Mr. WHARTON. I would think so, sir. I mean when this happened to us, honestly, we were totally unprepared. We had never anticipated anything like this happening. We consulted a number of security experts and security firms from around the country who expressed not a lot of optimism in being able to cover an area that is literally thousands of miles and dozens of buildings, scattered literally all over the countryside. So it has been a challenge for us to try and figure out the right way to respond to this. So any assistance that we might have toward that end, I think would be helpful.

Mr. NETHERCUTT. This measure also provides for a clearinghouse at the FBI that would really quantify and get on a network the incidents of situations like Vail and University of Washington and others, and local activities by ELF and ALF and other terrorist groups.

Would that be helpful to anybody on the panel? I assume that would assist the FBI, but it would also, I assume assist the police

force in Vail or in Oregon or elsewhere to be aware of the threat nationwide and be able to be prepared for it. Would you agree with that?

Mr. WHARTON. I certainly would agree very much. Again, when this happened to us, we started getting on the Internet, making phone calls, researching through the media of other companies and individuals that had been the subject of this type of an attack, just so we could try to, as quickly possible, learn as much as we could, and that was a challenge. And it took us some time to try and see what resources were out there.

Mr. NETHERCUTT. Is that your experience, Mr. Hicks, in Oregon?

Mr. HICKS. We have a similar situation. We have woods deputies out in the woods. The more they get together and share information, the better job they can do with each other and within the—I'm sorry—within the law enforcement realm. So the more, the better. We're going to have a better result.

Mr. NETHERCUTT. Have the other three witnesses, besides Mr. Jarboe, had a chance to look at legislative fixes or assistance to this problem, specifically H.R. 2795; have you looked at it; are you aware of it?

Mr. BERMAN. I have not, sir.

Mr. NETHERCUTT. Mr. Chairman, I yield back my time.

Thank you, gentlemen.

Mr. MCINNIS. Thank you. And I thank the panel. I appreciate you showing here today.

Mr. INSLEE. Mr. Chair, are we getting another round briefly? I have another couple questions if I may.

Mr. MCINNIS. OK. Go ahead, Mr. Inslee, but remember, in fact, I think you have most of the interest in the panel. My guess is we won't run beyond 6 o'clock.

Mr. INSLEE. A couple questions if I may.

Mr. Jarboe, one of the witnesses, the tobacco industry lobbyist has pointed some pretty stark accusatory fingers—

Mr. MCINNIS. Mr. Inslee, the Chair is not going to allow that remark to stand. Now, you want to—

Mr. INSLEE. Well, excuse me, Mr. Chair, but I will make such remarks as I deem appropriate and I think Mr. Berman has told us—

Mr. MCINNIS. Well, Mr. Inslee, I am—

Mr. INSLEE. —and I will continue to ask questions as I deem fit.

Mr. MCINNIS. Mr. Inslee, I will adjourn the Committee if you want to proceed with this type of behavior.

Mr. INSLEE. I appreciate the Committee's—

Mr. MCINNIS. We do now have a member of—but you owe respect to this panel. We do not have a member of this panel who has identified themselves or appeared on behalf of the tobacco industry. That remark is simply intended to inflame the witness. It is derogatory toward the witness and it has no place in this hearing.

Now, if you wish to proceed with a second round, and address the witnesses as they should be addressed, you have lots of freedom and a broad area of which you can ask questions. If not, we will adjourn this panel, and we will proceed to the next panel.

Mr. INSLEE. Mr. Chair—

Mr. MCINNIS. That is your choice.

Mr. INSLEE. Let me respond to your statement. In fact, I heard Mr. Berman express pride, pride that he has represented the tobacco industry, and that is fine. It was an entirely accurate characterization.

Mr. MCINNIS. That is fine, Mr. Inslee.

Mr. INSLEE. Why don't you let me ask my question and see if—

Mr. MCINNIS. Mr. Inslee, this panel is excused.

I thank the panel for—

Mr. INSLEE. Mr. Chair, excuse me—

Mr. MCINNIS. I am not taking any response from the panel.

Mr. INSLEE. Excuse me, Mr. Chair. I must object to that.

Mr. MCINNIS. Mr. Inslee, Mr. Inslee, for some reason, I think you are confused as to who is the Chairman of this Committee.

Mr. INSLEE. No, I am only confused as to why you are cutting off—

Mr. MCINNIS. I do not intend to proceed—

Mr. INSLEE. —an appropriate question—

Mr. MCINNIS. I do not intend to proceed with the Committee on Forest and Forest Health with you getting into some kind of diatribe on tobacco. That is not in place here.

Mr. INSLEE. Why don't I—

Mr. MCINNIS. Now, if you want to ask a question dealing with the issue at hand without your little preamble on tobacco lobbyists or whatever that was, you may proceed. If not, let's get on to the next panel and move on with our business.

Mr. INSLEE. Let me ask a question, Mr. Jarboe.

There has been some accusations by unidentified people I guess here today, that various groups have been associated with terrorist activity. That is a fairly strong charge to make. I am convinced that there are terrorists afoot here and have been involved in significant, severe, and potentially catastrophic violence, one of them at the University of Washington.

But I want to ask about this assertion that some of these groups are involved in that. Is there any evidence that you are aware of to suggest that the Ford Foundation has been involved in terrorist activity?

Mr. JARBOE. No.

Mr. INSLEE. Is there any evidence that Ben & Jerry's or the foundations with which Ben & Jerry's is associated, have been involved in terrorist activities?

Mr. JARBOE. No, I have none.

Mr. INSLEE. Is there any suggestion that the Mothers Against Violence—excuse me—Mothers Against Drunk Driving have been involved in terrorist activities?

Mr. JARBOE. No, sir.

Mr. INSLEE. Is there any suggestion that Mr. Ted Turner or the Turner Foundation have been involved in terrorist activities?

Mr. JARBOE. No, I have no information.

Mr. INSLEE. Thank you, Mr. Jarboe.

Mr. MCINNIS. Mr. Jarboe, I take it that you have no information, that includes today's Committee hearing, that there has been no information presented to you that would make you change your answer?

Mr. JARBOE. That is correct, Mr. Chairman.

Mr. MCINNIS. Thank you very much.

Let me, in all fairness, I want to give this next panel an appropriate time, so this panel is excused. Thank you. Sorry you had to sit through a little difference on the Committee, but it makes it interesting.

And we will now ask the fourth panel to proceed to the table. On Panel IV we have Mr. Wasley, Director, Law Enforcement and Investigations, USDA, Forest Service; Ms. Gloria Flora, Public Employees for Environmental Responsibility; and Dr. Pendleton, Government Accountability Project.

Again, with this panel, I am also going to ask you to take the oath as we have the previous members.

Panel, we need to proceed here. If you would, please, raise your right hand.

Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

MEMBERS OF PANEL IV. I do.

Mr. MCINNIS. Thank you. You may be seated.

Mr. Wasley will proceed. If you would just take note of the 5-minute rule, I would appreciate it. Thank you.

STATEMENT OF WILLIAM WASLEY, DIRECTOR, LAW ENFORCEMENT AND INVESTIGATIONS, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. WASLEY. Mr. Chairman, I had a prepared statement. In lieu of reading that, I would just submit it for the record, if you are so inclined to accept it.

Mr. MCINNIS. Certainly we will accept written statements, and we do allow you 5 minutes for summarization, if you would like, or we can just proceed.

Mr. WASLEY. We would just proceed.

[The prepared statement of Mr. Wasley follows:]

Statement of William F. Wasley, Director, Law Enforcement and Investigations (LEI), Forest Service, U.S. Department of Agriculture

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

My name is Bill Wasley, and I am the Director of the Forest Service Law Enforcement and Investigations (LEI) program. Thank you for the opportunity to appear before you today to discuss eco-terrorism acts on Forest Service facilities and how the Agency is addressing employee safety.

The Forest Service manages approximately 192 million acres of land in the United States. Protecting people and natural resources is part of our mission. This mission has become more difficult over the years as crimes occurring on national forests and to federal property have increased, especially criminal acts against research projects and government facilities. LEI is responsible for protecting and serving the public and agency employees; protecting natural resources and other property under the jurisdiction of the Forest Service; and cooperating with other law enforcement agencies.

Escalation of Incidents

Over the past 10 years, destructive civil disobedience and destructive criminal acts have increased, damaging resources and placing people in harm's way. Destructive criminal acts have primarily been related to protests against commercial logging activity on National Forest System (NFS) lands. These acts have included the illegal occupation of NFS lands and roads that place protestors at great risk; spiking trees designated for cutting; damaging or destroying natural resources, public roads, and facilities; damaging private property; and threatening and interfering with timber sale purchasers and timber operators. Since 1998, the Earth Liberation Front

(ELF) has claimed responsibility for at least five such acts to Forest Service resources, facilities, or vehicles.

Forest Service research programs have also been the targets of recent criminal acts. The Agency has an extensive research and development program that conducts basic and applied research on an array of subjects that complement the diverse mission of the Agency, including research on biological pathogens or forest genetics. In fiscal year 2000, two acts of vandalism resulted in damages to the Forest Service Research facilities in Minnesota and Wisconsin, estimated at over \$1.3 million. Over 850 pine and broadleaf trees, and saplings from "superior" tree stock and cross-pollination research were cut down, ring-barked and trampled. ELF claimed responsibility for this act. In November of 2001, two explosive arson devices were planted near university and Forest Service research buildings at Michigan Technical University, but fortunately were located by security personnel prior to detonation. No one has yet been charged with this crime.

Prevention is critical to the Agency's action plan against destructive criminal acts. Currently, the Forest Service is conducting facility security assessments to identify those facilities that are vulnerable. These assessments will address employee, facility, asset, transportation, special use permitting, and resource protection concerns.

Safety in the Workplace

Since the mid 1990's, the number of threats and attacks on Forest Service employees have increased. Examples of these attacks include the bombing of an employee's residence and the complete destruction by arson of two Forest Service offices. These attacks have raised fears and concern among Agency employees for their personal safety. The Agency is addressing these concerns by securing government facilities; producing and distributing safety pamphlets, brochures, and videos; holding safety meetings; providing information to employees on steps that are being implemented to improve employee security; and providing violence awareness training. The Forest Service has an agreement with the Office of Inspector General (OIG) regarding investigations dealing with employee safety. The safety of Agency employees and the public on Forest Service lands is the top priority for the Forest Service.

Efforts to Ensure Coordinated Security

In cases of domestic terrorism the FBI has primary jurisdiction. LEI assist the FBI by serving on the joint task force investigating domestic terrorism acts.

Agency law enforcement officers and criminal investigators coordinate closely with line and staff officers to provide and implement security procedures for Forest Service facilities, resources, employees, and the public. Security measures undertaken by LEI include: conducting threat assessments; providing personnel and facility security details during protests or high risk events, providing first responders to incidents; responding to protest and civil disobedience activities; investigating criminal acts; conducting search and rescues; responding to shooting incidents and drug and alcohol possession and use problems; and responding and investigating all reported instances of intimidation, threat, or assault against agency employees.

In investigating criminal acts, LEI has developed many cooperative agreements with other Federal, State, and local agencies for performance of routine law enforcement patrols, drug enforcement, timber theft investigations, and coordination of other enforcement activities. LEI participate in many task forces, particularly the FBI's counterterrorism taskforce mentioned above and the Office of National Drug Control Policy's (ONDCP) High Intensity Drug Trafficking Area (HIDTA) program.

Conclusion

The Forest Service is committed to work with the FBI to combat acts of domestic terrorism. We also are committed to ensuring safety and security of the public and our employees. The job is immense, but we will continue to work at providing these services and expend resources consistent with this priority.

This concludes my statement, I would be happy to answer any questions you or Members of the Subcommittee might have.

Mr. MCINNIS. All right. Ms. Flora.

**STATEMENT OF GLORIA FLORA, PUBLIC EMPLOYEES FOR
ENVIRONMENTAL RESPONSIBILITY**

Ms. FLORA. Thank you, Chairman, members of the Committee. Thank you.

My name is Gloria Flora, and I have had a 22-1/2 year public service career working for the U.S. Forest Service. I've occupied a number of positions including forest supervisor at the Humboldt-Toiyabe National Forest in Nevada, and the Lewis and Clark National Forest in Montana.

I resigned from the Forest Service in 2000 to call attention to what we are terming here today as lawlessness, specifically harassment and intimidation of Federal employees. I have now started a nonprofit organization called Sustainable Obtainable Solutions, that is dedicated to ensuring sustainability of public land from the communities that depend upon them.

I'm here today testifying on behalf of PEER, the Public Employees for Environmental Responsibility. PEER is a national service organization for scientists, land managers and law enforcement officers working on our state and Federal Public Lands. And speaking on behalf of the organization, PEER condemns any form of terrorism, as do I personally.

I wanted to start today—and I will be as brief as possible—with a quote from Aldo Leopold. Aldo Leopold said, "There are two things that interest me. That is the relationship of people to each other and people to their lands." I ascribe to that myself.

And my concern is what I have come to call "Fed-bashing." You can call it whatever you want, County Supremacy, Sagebrush Rebellion, States' Rights, Home Rule. When it comes to harassment and intimidation of employees, these are the organizations that I have seen be the most vigorous and relentless.

And the examples of this range from incivility to outright hostility. It is like eco-terrorism in the extent that there is a disregard for law, a disregard for property, and a disregard for the health and safety of citizens and Federal land managers.

How it differs is that these activities are not taking place in the dark of night by anonymous people. These are in broad daylight often by public figures or well-known individuals in communities who actually take pride in the harassment and intimidation of Federal employees. And there is little public outcry in many cases.

The discrimination that I have seen over the years extends not just to employees, but also to their families. We have harassment by law enforcement officials, local law enforcement officials. We have people who have been refused service in restaurants and gas stations and motels. People who have been treated very uncivilly in other places of business and commerce. We have children who have been castigated in their schools because of what their parents do, i.e., work for the Forest Service. There has also been systematic exclusion and public denigration at social events in communities. There have been veiled threats and not-so-veiled threats of violence and of destruction of Government property. There have also been bombings, as we have photographs here. Not only was the office at the Carson Ranger District bombed, but also the District Ranger's personal home was bombed, his wife and children narrowly escaping injury.

And how do Forest Service line managers react? Well, so far, much of the reaction has been advising people not to wear their uniforms; do not drive Government vehicles that are the obvious green color of the Forest Service; do not go out in the field alone, particularly women, women in the field alone have been threatened with rape; to hide or run away if approached by an armed civilian such as several of my employees had to do when they returned to their vehicle at the end of a day of work, and there were armed citizens going through their vehicles, searching for what we don't know. We have asked them not to attempt to stop destructive acts, merely take notes and leave the scene as quickly as possible. And the U.S. Attorney has actually advised the employees of Nevada to not issue any tickets, even tickets for people not paying campground fees if the person makes any anti-Federal comments.

I have a list of reasons why I think some of this is happening, and I also have some solutions, but I see the yellow light is on, and if you are interested in discussing those when we conclude the testimony of Dr. Pendleton, I will be here.

[The prepared statement of Ms. Flora follows:]

**Statement of Gloria Flora, on behalf of Public Employees for
Environmental Responsibility**

To spread their message and inflate their importance, "eco-terrorism" groups must command a prominent public stage. Unfortunately, this subcommittee hearing is aiding these so-called eco-terrorists by giving them the United States Congress as a forum.

This craving for attention is illustrated in a recent self-promoting report on the exploits of eco-terrorists that seeks to magnify the number and impact of their activities. This hearing serves the media agenda of these groups by assigning a greater importance to their role and by attempting to falsely suggest that they are a major force on the vast public lands within the National Forest System.

If you ask Forest Service employees to rank the problems they must confront daily, "eco-terrorism" would not even make the chart. I know because for over 22 years, I was a Forest Service employee and have worked in national forests throughout the West.

My name is Gloria Flora and, in my career in public service, I have occupied many positions including Forest Supervisor on the Lewis and Clark National Forest in north-central Montana and on the Humboldt-Toiyabe National Forest in Nevada and eastern California. I resigned from the Forest Service in 2000 specifically to call attention to the far greater threat of harassment, intimidation and lawlessness that haunts Forest Service employees. I have started a non-profit organization, Sustainable Obtainable Solutions, dedicated to ensuring sustainability of public lands and the communities that depend on them.

I am here today testifying on behalf of Public Employees for Environmental Responsibility or PEER. PEER is a national service organization for the scientists, land managers and law enforcement officers working on our state and federal public lands. Speaking on behalf of the organization, PEER condemns terrorism in any form as do I.

There is a problem of lawlessness facing Forest Service employees and the citizens who visit, work within or live near national forests—but it has little to do with eco-terrorism. This afternoon I would like to discuss the nature and extent of these challenges, outline the causative factors and conclude with steps we all need to take together toward solutions.

Conflicts over public land management continue to escalate and challenge even the most innovative land stewards and community members. When values collide, the first casualty is the ability to communicate our views with civility and respect. Sometimes, and with a seemingly growing frequency, violence, or threats thereof results.

Federal agents across the West deal with hostile, even dangerous working conditions fanned by the flames of anti-government sentiment.

Each winter, California's Imperial Valley swarms with off road vehicle riders on long holiday weekends. As Bureau of Land Management agents struggle to mitigate

the environmental damage caused by thousands of vehicles, more and more, they are forced to protect themselves from the ever-increasing incidents of violence against their ranks. In recent years, rangers have been attacked by mobs, run down by vehicles and assaulted with weapons by off-roaders yelling anti-government epithets.

This past Thanksgiving a record crowd of 200,000 off-roaders descended on the desert wilderness. By the end of the weekend, BLM agents had dealt with two deaths, 220 medical emergencies, 50 arrests, nearly one thousand citations, several shootings, and one ranger run over by an angry 3-wheeler.

As reported in the New York Times on January 2nd, Forest Service managers voiced doubts about the safety of sending their own law enforcement personnel into certain areas of these public lands because the danger is too extreme. Internal agency memos describe the situation as near-riot conditions.

Federal agents are often targets because it is their job to enforce environmental policies. In the California desert, some off-roaders resent federal decisions to close portions of the desert to vehicle use to allow the land to recover and protect the habitat of the threatened desert tortoise. As I have witnessed in other parts of the country, some people extend their anger about federal policy into violence against federal employees.

While this annual chaos in the California desert is a dramatic example, it is certainly not an isolated case. According to agency records collected and tabulated by PEER, beatings, shootings, threats and other incidents of violence against federal resource managers, primarily in the West, rose sharply in 2000, and have risen in all but one year since the Oklahoma City bombing in 1995.

Overall, attacks aimed at U.S. Forest Service employees and facilities rose by more than 20% in 2000, the latest year for which we have statistics. Incidents at Fish & Wildlife Service rose by half, while incidents at the Bureau of Land Management (BLM) rose by a third. For all three agencies combined, serious incidents rose by nearly a third in 2000.

NUMBER OF REPORTED INCIDENTS

Year	BUREAU OF LAND MANAGEMENT	U.S. FOREST SERVICE	FISH AND WILDLIFE SERVICE
1995	8	34	No data
1996	13 (+61%)	42 (+24%)	No data
1997	24 (+85%)	44 (+20%)	No data
1998	42 (+75%)	53 (+5%)	No data
1999	21 (-50%)	27 (-49%)	6
2000	28 (+33%)	33 (+22%)	9 (+50%)

(Percentage change relative to preceding year.)

PEER assembles these numbers because the U.S. Department of Justice has yet to implement statutory requirements that it compile and report on attacks against government workers. PEER has established its own database on violence against federal resource agency employees using the Freedom of Information Act to collect incident reports.

These numbers, however, do not begin to tell the story. Employees have reported to PEER many incidents not reflected in the official counts. The agencies have no incentive to aggressively monitor employees' working conditions. To some large extent, agencies often reflect a "no news is good news" attitude with regard to these incidents. As a result, PEER believes that the official numbers significantly understate the true number of events.

Moreover, the bare numbers do not convey the impact even one incident can have on affected employees, agency operations and public perceptions. Take one case: Guy Pence who, until his transfer, was district ranger of the Carson District on the Toiyabe National Forest (before it was combined with the Humboldt National

Forest), which includes Nye County, Nevada, the heart of the anti-environmental “wise use” movement.

A Forest Service employee since he graduated college more than 25 years ago, Pence started working on the Toiyabe in 1984, and he developed a reputation as a no-nonsense manager. He suspended or canceled the permits of grazers, loggers and miners who violated permit conditions and environmental laws. One of the users Pence cited for violation was Dick Carver, a Nye County commissioner, private rancher and an outspoken “wise use” leader. Carver gained national attention (including the cover photo of Time magazine) in the mid-90s when he drove a bulldozer towards Forest Service rangers in an attempt to open a road that had been closed by the agency. This act added to an already alarming level of tension surrounding public land management issues in Nevada.

A few weeks before the tragedy in Oklahoma City, a bomb exploded at the Carson City ranger station. Fortunately, no one was in the office at the time. The bomb was set outside Guy Pence’s office sending a clear signal as to who was the target. No suspects were ever arrested, and no group claimed responsibility.

In August 1995 a bomb exploded under Pence’s personal vehicle, which was parked in his driveway. Miraculously, no one was hurt. The blast destroyed the family van and blew out the front windows of the Pence home. Luckily, Pence’s wife and daughters had just left the living room. Again, no arrests were ever made and the case remains unsolved.

The Forest Service transferred Guy Pence to its Boise office where his new duties include aviation, fire, and law enforcement. The Forest Service says Pence’s transfer was not a demotion, and it maintains that it did not move Pence out of fear. Most people, however, can read between the lines.

Since Pence’s transfer, the Boise office has been evacuated several times due to bomb threats. And the employees on the Carson District still fear another attack. They implemented security measures that are now commonplace for protection from terrorist attack.

No matter where they are or how far they go, neither Pence, nor his family, will ever be able to forget what happened in Nevada. While Pence admits that the safety issue looms large, he is much more concerned about his family’s safety than his own. He is worried more about the effect the move to Idaho has had on his wife and three daughters. His wife had to give up her teaching job, and his daughters, who grew up in Carson City, have lost life-long friendships. Pence said, “The bombings really made us take stock of our life. Things that seemed routine or normal now seem so fragile and more precious than ever. Actions are so interconnected and their impact can ripple out to affect everyone involved.”

The legacy of the Guy Pence was still very much alive when I became the Supervisor of the now-combined Humboldt-Toiyabe National Forest in 1998. By the end of 1999, I resigned my position as Forest Supervisor in protest of the pervasive and escalating intimidation and harassment of Forest Service employees. Let me be clear that I did not allege that there were prosecutable threats of direct violence that were being ignored. In the previous 18 months, there were none of which I was aware. Rather it was the insidious and increasing acts of hostilities, fueled by media sensationalism, private vendettas and political posturing which made life extremely difficult for many Forest Service employees and their families—24 hours a day, 7 days a week.

Instead, the legacy of the previous incidents contributed to something almost more insidious: a syndrome I came to call “Fed-bashing.” Fed-bashing is a tough phrase. I define it as destructive actions or words meant to hurt and belittle federal employees, personally and/or collectively. It is not much different than racism. You pick a class of people, you decide they are the source of your problems and you proceed to systematically make them unwelcome in your community.

I do not begrudge anyone for being upset with certain federal laws or policies but how we handle that dislike is measure of our own personal integrity and ultimately, the yardstick of a community. Because I resent a tax, I do not have the right to personally vilify the tax collector or members of his family.

Some say that I over-reacted. In an atmosphere of hostility, how do you decide when your employees are truly at risk? How do you calculate how many insults, personal attacks in the media, refusal of service in public establishments, are “acceptable” and how many equal a precursor to violence? When actively hostile citizens threaten to break the law using “Remember Waco” as a rallying cry and the local sheriff, the FBI and the Justice Department warn you and your employees to stay 100 miles away instead of doing your job... is that the warning salvo that violence is just around the corner? The last time someone “remembered Waco” in a very visible manner, over 180 people lost their lives in Oklahoma City. None of them reported a “prosecutable threat” prior to losing their lives.

My point is simple. More than overt acts of violence should be of concern. When frustrations grow and dialogue becomes uncivil, nasty and personally demeaning toward individuals of a certain group of people, an unsavory element is attracted to the fray, like sharks to the smell of blood. There are far too many boastful threats about armed insurrection and civil uprising in the rural West to be sanguine about this situation.

Perhaps my biggest frustration was the behavior of many public officials at all levels who either turn their backs or openly condone such behavior. In response to my expressed concerns about the treatment of my employees and their families in Nevada, a member of Congress, casually quipped, "You're federal employees: What do you expect?"

This phenomenon of elected officials egging on the tensions is certainly not confined to Nevada. Recently, an elected official in Montana likened a Forest Service manager to a Nazi for not openly opposing the roadless initiative.

To evoke the image of fascism and compare it to contemporary public land management in America is at best delusional and, at worst, a disgrace to the memories of those who suffered unimaginable terror at the hands of the Nazi regime. Try to convince the relatives of millions of people who lost their lives that the situations that we face in the rural West are comparable.

To my knowledge, all elected officials, as well as Forest Service employees sign an oath of office to uphold the Constitution and the laws of the United States. That oath should not be taken lightly. Those who wish to selectively support the laws, that is, only the ones that please them personally, should recognize that they are violating their oath of office and are doing a disservice to the public.

No matter how disturbing, these events are only the symptoms of deeper causes. Federal resource employees are targeted because of conflicts surrounding those resources. While the acreage within the National Forest System is vast, the natural resources contained within it are finite.

In many places, public lands are degraded: non-functioning, denuded riparian areas, dropping water tables, degraded water quality, sediment in streams, excessive fuel build-up, loss of biodiversity, and species heading towards extinction confront us. There are still hundreds of abandoned mines leaking acidic water with a pH of 2 and poisoning ground water, despite billions of dollars spent on clean up.

Look at the cattle industry on public land, for example. Public land grazing is a struggling industry that produces less than 4% of the nation's beef supply. In many areas, the public range can no longer sustain traditional levels of grazing. Plant species are lost, riparian areas shrink. When the lands suffer from overgrazing, people get alarmed and demand that basic stewardship be enforced. The Forest Service reevaluates the allotment management plan and reduces allowable numbers in some places. The result is that the range con and district ranger are cast as villains attacking custom and culture. Wrong. What is the real story?

The real story is economic and social. The market for beef does not keep pace with inflation, production costs rise, and middlemen profit while price on-the-hoof plummets. Trade policies loosen. Cheap, subsidized beef from other countries flood the borders. People have grown concerned about their health; they no longer trust chemicals, they want less fat in their diet. Although they buy significantly less red meat, they are willing to pay more for chemical free, low-fat beef. In reality, these changes in public taste, market forces and international trade agreements affect ranchers' livelihood far more than the laws of Congress or Forest Service policies.

Some ranchers understand that the Forest Service is not the enemy. Rather than attacking the Forest Service, ranchers figure out how they can use the research capabilities of the government and universities to help determine better techniques to graze cattle, improving weight gain while maintaining habitat diversity. They switch to lower fat breeds, and stop using chemicals. They find a niche market for the product in demand, sell directly to the retailer and get twice the price. These folks work with the agencies and organizations to develop a certification program for beef raised in environmentally sustainable methods, creating a cache for concerned consumers and higher demand. They sell a conservation easement on the ranch and keep it in the family. They thrive, the community thrives and so do their cattle and the wildlife.

By contrast, some of their neighbors try a different approach. These ranchers make sure everyone in the community knows what "those Forest Service bastards" have done to them. They violate the commitments they signed off on in their grazing permit, overgraze the land and their cattle do not thrive. They mortgage the ranch to sue the Forest Service based on what they believe is a constitutional right to run as many cattle as they want, wherever they want on public land, because their grandfather did. They refuse to change. They lose the suit and the ranch is subdivided. They suffer and the community suffers. Whose fault is it?

When seeking the roots of complex natural resource problems, I find it worthwhile to step back and look at the larger context. This often helps us to understand why we are where we find ourselves. We must look at local and regional history, social trends, and environmental changes, while examining the national and global trends that affect us.

Looking at the social situation in the rural west, the operative word here is change. Life as we know it has changed dramatically and the pace continues to accelerate with every new technological development. Even during the recent period of broad national economic prosperity, there are plenty of pockets within the rural west with lots of folks still struggling to get by. The “have’s” are getting richer while the “have not’s” see their buying power and political influence waning.

A shift in demographics is also evident; geography for many is no longer essential to job. Many people can work anywhere, and you know exactly the places they want to live” where the air is cleaner, and the mountains tower majestically over their new home in the last, best place. Indeed local culture is changing: name a town that does not have at least one place to buy espresso.

The population is shifting and growing. This requires a greater degree of tolerance and sharing; a greater degree of tempering individual demands for the sake of community. This means getting along with others by working out equitable solutions for sharing public resources.

History is replete with examples of civilizations having to share or lose their “traditional” uses. It has only been a little more than 100 years since this society appropriated all resources from the First Americans. Now, a century later, we are again thrusting massive change upon the western landscape, its people and what our culture considers “traditional use” communities. There is much to value in these hard-working decent communities and much we can do to ensure these communities continue to be viable.

Any conservation plan or policy for public lands that does not consider the economic health of both the rural communities of the intermountain west and struggling tribal nations is woefully inadequate. It is not too much to ask for the world’s wealthiest nation to have a sound economic transition strategy when we change the way we value and manage the resources on public land. We cannot throw people out of work with just a shrug and a brief apology. However neither can citizens expect that their chosen way of life is an inherent right that all others must protect regardless of the consequences.

Life has never been easy for those who choose to make their living off the land. Prior to the Industrial Revolution, the vast majority of the population depended directly on natural resources for their livelihood. Since the Industrial Revolution, labor related to natural resources has been steadily declining. Now basic extractive industries account for less than 5% of our gross national product.

This shift means that life keeps getting tougher for those who want to continue to make their living off the land while contesting the changes that society mandates. This shift is just as inevitable as the massive societal transformation of the industrial revolution, the invention of the computer and introduction of mass communication. We have accelerated the rate of change—change that is inevitable.

It is not my intention to be harsh or cavalier. I have worked in small communities for over twenty years; I know how badly these dislocations can hurt. It is how we manage that change is critical for both the rural communities in the West and the surrounding landscapes. We, as a nation, cannot consume and waste, populate and communicate at this rate and expect that the rural west will be just like it was when we were growing up. There is no going back.

So, what are the solutions? Civil discourse is step one. There is no bogeyman out there. We are all in this together, like it or not. Respectful civil dialogue is an essential tool in establishing and reaching long-term goals for the preservation of our nation’s natural treasures. In my opinion, this approach is essential in convincing the American public that an investment in the health of their children’s inheritance is wise—a sound fiscal strategy. Such an investment in restoration and natural wealth accumulation will also bring a sustainable prosperity to the communities previously dependent solely on extraction.

The time is right for the nation and especially the Intermountain West to adopt a new strategy in the management of public lands through civil discourse because the alternative is a widening chasm between the majority of Americans and a shrinking but steadily more extreme collection of groups fighting to maintain a fading status quo of resource extraction at the expense of clean water, productive soil and vibrant wildlife.

I recently read that a Montanan proclaimed that “we, the people, will decide” what uses will be permitted in a heated protest against the roadless initiative. He promised armed conflict and bloodshed if uses were restricted. He is right on the

first item, the people will decide. And most of you know that “We, the People...” are the first words in the Constitution. It applies to all Americans. All the Americans who have been paying for the care and maintenance of the national forests, and subsidizing every use for more than 100 years will decide what we leave for the future.

We are facing predicaments that can only be resolved by civil discourse. Through a series of events, natural and social, we are trying to make the land do more than it is capable of in terms of supporting us for the next hundred years.

Clearly one of the least effective ways of seeking resolution is to vilify the federal employees who are stewards of this land we all share. What sense does it make to shoot the messengers?

The second essential step is to end the Fed-bashing. Public officials at all levels need to provide moral and political support for the district ranger, field biologist, range conservationists and other professional struggling to faithfully execute the law and serve the public in trying circumstances.

Politicians must resist the natural urge to “pile on” when the mob demands “heads should roll.” We need more rare acts of courage when public officials are willing to stake their own careers on telling people what is right when it is not popular. We need more leaders willing to stand shoulder to shoulder with embattled public servants, to let them know they are not alone and that someone in the public they serve appreciates the struggle.

In my Forest Service career I met too few real leaders. In Nevada, when my staff really needed support from higher-ups in state and federal government, there was precious little. I resigned to draw attention to that lack of support and, in that I succeeded.

What concerns me is what happens the next time? Will lessons have been learned? Are my successors in the Forest Service doomed to walk the same path, share the same frustrations and meet the same fate? I see signs and fervently hope that collaborative solutions are emerging not just on the Humboldt-Toiyabe but on the other challenging resource faults lines in national forests throughout the West.

The final step is to look to the future. We cannot lose sight of our responsibility to leave a quality environment for the future. The superfund sites and abandoned mines that we spend billions on to stabilize and prevent further damage are perfect examples of waiting until the damage is done to face the issue—and then shifting the higher cost to the taxpayer and the legacy of pollution to our children.

I do not mean to over-simplify, there are fundamental problems that even the hardest-working folks cannot easily overcome. One is the lack of market incentives to help transition to sustainable methods in industries. Shifting from dependence on non-renewable energy sources is one area that shows promise: fuel cell technology and solar advancements are emerging methods of providing energy, while reducing demand for a non-renewable resources, reducing air pollution and ultimately global warming, as well as providing jobs that can be located in rural areas. Organic agricultural products reduce ground and water pollution, bring higher prices and can be an economical small business in rural areas. There are many deteriorated landscapes and areas of poor forest health. Restoration using the equipment and skills of forest workers is a very viable idea that needs an influx of money and a change of perspective.

A paradigm shift is required in the political leadership of the rural West. In making decisions, local leaders need to take natural capital, i.e., the real dollar value or replacement value for the goods and services that we get from the land, into account. The cost of restoring degraded landscapes frequently far exceeds the value of what has been extracted. But, a plan for managing public land as a long-term trust, ensuring we are living off the interest and not depleting the capital, is possible only with the willing, civil participation of all interested parties.

We need to be willing to collaborate on solutions rather than wanting to overpower and win. Freedom to share and hear all viewpoints was clearly seen by the crafters of the Constitution as an imperative. We need to accept the fact that we do not know everything. There is a golden opportunity to learn from our neighbors and for us to share with them our experience and knowledge. The bottom line is showing respect and civility towards others despite what you think about their opinion or in how they express their relationship with their landscape.

I suggest that our personal relationship with the land is an excellent barometer of how we relate to other people. I believe there are different levels of maturity in land relationships. A child-like attitude may lead one to take the land and its resources for granted, as if it will always be there and it will meet all of your needs. A mature attitude recognizes that you are much more transient than the land. With maturity comes the understanding that you must give and sacrifice for the sake of the relationship. What you take must be returned and never take more than you absolutely need for the sake of those who come after you.

Solutions are tough. We need to recognize that no one is going to win it all. But I remind you, this is not about winning, it is about finding balance through sustainable practices. We are in this for the long-run.

Demeaning each other will not bring about solutions, nor will it suggest to the rest of the nation that we in the West are thoughtful, reflective, inclusive individuals; people who can be trusted to make good choices and therefore deserve greater local control. If we can demonstrate to the rest of the nation that we collectively are far-sighted, cooperative stewards, we will gain the support of the rest of the nation in our efforts to reach sustainable solutions to our considerable natural resource challenges...civily.

Mr. MCINNIS. Thank you very much.

Ms. FLORA. Thank you.

Mr. MCINNIS. Mr. Pendleton, you may proceed.

**STATEMENT OF MICHAEL ROY PENDLETON, Ph.D.,
GOVERNMENT ACCOUNTABILITY PROJECT**

Mr. PENDLETON. Thank you, Mr. Chairman, and Committee members, for inviting me here today.

My name is Michael Pendleton, and I'm representing my work as a social scientist while at the University of Washington, specifically my published research on forest crime, enforcement and timber theft.

But my testimony also reflects my experience as a grandson of a northwest logger, whose small logging business was bankrupted by strategic vandalism of his equipment, and also my service as a police officer in Oregon, where the importance of real enforcement was made apparent. This is my testimony.

The hundreds of hours I have spent in patrol trucks with forest enforcement officers strongly indicate that public policy should reflect a broader understanding of crime and terrorism in our national forests. It isn't that your concern with eco-terrorism is wrong, rather it's incomplete. What I know and every on-the-ground forest office will tell you, the majority of property crime and violent acts are committed by a relatively small but known group of local residents that subscribe to a twisted view of wisdom and use. Events such as the drive-by shooting of a staffed ranger station, where the offenders emptied their automatic weapons only to stop and reload for a second pass, was explained upon arrest as their answer to Federal management of forest and park land. This is but one of many examples of blown gates, car bombings and arsons, where land management employees and Federal property were the clear targets of violence. The examples I cite are not, however, the work of eco-terrorists, but crimes committed to serve as a radical right agenda to take over national lands from Federal management and the American people. I would submit such a view is at least as worthy of a policy response as the one advanced by eco-terrorists.

In spite of these well-known cases of domestic terrorism, little has been done to address these concerns. In fact, in the wake of the Oklahoma bombings Federal legislators actually advanced legislation to disarm Forest Service law enforcement officers. These are the same law enforcement officers who consistently encounter known local offenders who are armed, with astonishing criminal records.

While the \$40 million of damage attributed to eco-terrorist groups such as the Earth Liberation Front is clearly unacceptable and should be addressed, it pales in comparison to the \$100 million annual estimates attributed to timber theft from national forests. Yet in spite of this chronic and well-documented property crime, efforts to address the loss by enforcement officers have been overtly stopped.

The disbandment of the Forest Service Timber Theft Investigations Branch in 1995 is perhaps the most visible effort to stifle meaningful enforcement. But others exist as well, such as the systematic dismissal of large timber theft cases, and the recent Presidential pardon of a convicted timber theft offender. These are clear messages.

Ongoing efforts to defeat effective enforcement against timber theft occur as an outcome of a conventional view that timber theft is nothing but a folk crime committed by basically good people. Such a view empowers organizational practices that encourage officers to look the other way, or face organizational pressures to conform or get out. When combined with poorly equipped and funded enforcement programs, these practices effectively discourage meaningful pursuit of these criminals.

The effect of systematically ignoring timber theft has been to create an uneven playing field in the timber industry for those who choose to play within the rules. More importantly, to ignore timber theft worth millions of dollars each year is as morally wrong as looking the other way while a corporation fixes to price of electricity, but also steals its employees' retirement. In both cases, future sustainability for the many is sacrificed for the greedy few. It is clear that meaningful policy to address terrorism and crime is long overdue in America's forests. The core of this effort should be built on a policy of blind justice. This policy would require the full enforcement of the law against all who offend, regardless of where on the political spectrum they might shop for their justification.

Specifically, terrorists who offend in the name of environmental protection, or terrorists who offend in the name of the wise use movement, should be found and brought to justice. Those who steal trees should be treated in the same way as those who destroy property. They are both crimes. And those who do these things are criminals.

Anything short of a policy of blind justice will be a policy that is based upon a distorted view of crime in our Nation's forests. At its worst such a policy will reveal biases it serves, and further undermines Americans' respect for the rule of law and their commitment to doing the right thing.

I urge you to adopt and fully fund a policy of blind justice in our Nation's forests.

And I thank you for myself and on behalf of many law enforcement officers for addressing this important issue.

[The prepared statement of Mr. Pendleton follows:]

Statement of Michael Roy Pendleton Ph.D., Representing My Role as a Social Scientist and the Research I conducted While a Professor at the University of Washington

Thank you Mr. Chairman and committee members for inviting me here today. My name is Michael Pendleton and I am representing my work as a social scientist

while at the University of Washington, and specifically my published research on forest based crime, enforcement, lawlessness and timber theft. I would like to add, however, that my testimony also reflects my experience as the grandson of a legendary North West Logger, whose small logging business was bankrupted by strategic vandalism of his equipment, and my service as a working police officer in the State of Oregon where the importance of real enforcement were made apparent. This is my testimony.

The hundreds of hours that I have spent in patrol trucks with land management enforcement officers strongly indicates that public policy on these matters would be greatly enhanced were we to broaden our understanding of crime and terrorism in our national forests. It isn't that your concern with "eco-terrorism" is wrong. Rather, it is incomplete. What I know and every "on the ground" forest officer will tell you is that the vast majority of property crime and violent acts are committed not by "eco-terrorist", but by a relatively small but known group of local residents that subscribe to a twisted view of wisdom and use. The drive-by shooting of a ranger station where the offenders emptied their automatic weapons only to stop and reload for a second pass was explained by the offenders, upon arrest, as their answer to federal management of forest and parklands. In effect those inside the ranger station nearly gave their lives for performing their jobs. The drive-by shooting is but one among many examples of blown gates, car bombings and arsons where land management employees and federal property are the clear targets of violence. The examples I cite are not, however, the work of eco-terrorists but crimes committed to service a radical right philosophy that clearly advances the "take over" of national lands from federal management and the American people. I would submit that such a view is at least as worthy of a public policy response as the one advanced by eco-terrorists.

In spite of these well known, and documented cases of domestic terrorism, little has been done to address these concerns. In fact, in the wake of the Oklahoma bombings, federal legislators actually advanced legislation to disarm land management officers to include Forest Service Law Enforcement Officers. In my article concerning crime, criminals and guns in these settings, I point out the nonsensical nature of this proposed policy. Documented crime in these settings has been escalating since 1990. During my research, 255 known offenders were identified of which 85% lived in close proximity to the National Forest under study. Forest Law Enforcement Officers, on average, contacted at least one individual during their daily patrol that was visibly armed. Of all the people encountered during this research by Forest Law Enforcement Officers, 37% were visibly armed. Criminal history research on weapons offenders encountered in natural settings reveal an astonishing profile where, on average, these offenders have 7.8 prior offenses of which half were felonies. One individual in this research accounted for 48 prior offenses. To actually suggest disarming Law Enforcement Officers in the face of this reality sent a strong message to those charged with land management.

Other, very strong signals have been sent to Forest Service Law Enforcement Officers to suggest that addressing forest crime in a meaningful way will not be rewarded. While the \$40 million dollars of damage attributed to eco-terrorist groups such as the Earth Liberation Front is clearly unacceptable and should be addressed, it pales in comparison to the \$100 million dollar annual loss attributed to timber theft from National Forests. Yet in spite of this chronic and well documented property crime, efforts to address this loss by Forest Service Enforcement Officers have been overtly stopped. The disbandment of the Forest Service Timber Theft Investigations Branch in 1995, and the retaliation against its whistle blowers, was perhaps the most visible effort to stifle meaningful enforcement. But others exist as well such as the systematic dismissal of large timber theft cases, and the recent presidential pardon of a convicted timber theft offender.

Even more profound efforts to limit a law enforcement response to timber theft occur as part of a complicated system of internal Forest Service practices based on the view that timber theft is nothing but a folk crime committed by basically good people. Such a view empowers organizational practices that encourage officers to "look the other way" or face real organizational pressures to conform or get out. Law enforcement officers consistently pointed to such practices as a 10% over-cut provision in timber sale contracts, known monetary thresholds of \$50 thousand dollars below which there would be no follow-up investigation by central office investigators, and fatal flaws in the handling of cases submitted to law enforcement officers thus preventing prosecution. When combined with poorly equipped and funded enforcement programs these operational practices effectively discouraged meaningful pursuit of timber thieves.

The effect of systematically ignoring timber theft has been to create an uneven playing field in the timber industry for those that choose to play within the rules.

More importantly to systematically ignore the theft of trees worth millions of dollars each year is as blatantly wrong and immoral as looking the other way while a corporation fix's the price of electricity as it is also stealing its employee's retirement. In both cases greed promises to bankrupt the future lives of those to follow. If there is doubt about this, all one has to do is compare the impact of unsustained forests on a displaced logger, with the views of a 59⁺ year old Enron employee.

Based upon my research and experience it seems clear to me that meaningful policy to address the full range of crime, terrorism and lawlessness is long overdue in America's forests. The first step is to empower and fully fund meaningful law enforcement in the National Forests. The core of this effort should be built around the policy of "blind justice". This policy would simply require the full and effective enforcement of the law against ALL who choose to offend regardless of where on the political spectrum one might shop for their justification. Specifically, terrorists who offend in the name of the environmental protection or terrorist who offend in the name of the wise use movement should be found and prosecuted to the fullest. Criminals who steal trees should be treated in the same way as those criminals who destroy property. They are both crimes and those who do those things are criminals.

Anything short of the policy of blind justice will reveal a policy that is at a minimum based upon a distorted view of crime and lawlessness in our nations forests. It follows that these distortions will promote irrelevant means to manage the full array of crime that exists, often vilifying some to the exclusion of others. At its worst, anything short of a policy of blind justice will lay transparent the bias's it serves and further undermine Americans respect and confidence in the rule of law and the commitment to doing the right thing. I urge you to adopt and fully fund a policy of "blind justice" in our nations forests.

In support of my testimony I have requested that three of my articles be placed in the record. These articles are entitled:

1. "Crime, Criminals and Guns in Natural Settings: Exploring the Basis for Disarming Federal Rangers", *American Journal of Police*, Vol. XV, No. 4, 1996.
2. "Looking the Other Way: The Institutional Accommodation of Tree Theft", *Qualitative Sociology*, Vol. 20, No. 3, 1997.
3. "Taking the Forest: The Shared Meaning of Tree Theft", *Society and Natural Resources*, Vol. 11, 1998.

Thank you for your attention to this most important issue.

NOTE: The following documents have been retained in the Committee's official files.

- "Crime, Criminals and Guns in Natural Settings: Exploring the Basis for Disarming Federal Rangers", *American Journal of Police*, Vol. XV, No. 4, 1996;
- "Looking the Other Way: The Institutional Accommodation of Tree Theft", *Qualitative Sociology*, Vol. 20, No. 3, 1997; and
- "Taking the Forest: The Shared Meaning of Tree Theft", *Society and Natural Resources*, Vol. 11, 1998.

Mr. MCINNIS. Thank you, Mr. Pendleton.

Well, our hearing has covered a broad area from tobacco to Enron, but the focus of course is the forests.

Let me ask you, Mr. Pendleton, I am a little confused. When you talk about timber theft, are you also inferring or concluding within that definition a contract that you think is below cost, or tell me what you mean by it. I see timber theft, somebody pulling chain saw up and cutting down timber and putting it on timber trucks and hauling it off. Are we talking about the same thing on timber theft?

Mr. PENDLETON. Well, actually, in my article "Taking the Forest: The Shared Meaning of Timber Theft," based on my data, came up with a spectrum of types of timber theft. And I'm sure those in the Forest Service that are here could probably elaborate on that. But basically I found three types, the kind that's affiliated with legitimate timber sale, and that's where boundaries are expanded, but within a contract, trees are taken beyond what is allowed. The second kind is where they come in and set up a logging show and take

trees out of an area where there is no timber sale, just come in and take them, but they—

Mr. MCINNIS. How do they get away with that?

Mr. PENDLETON. Well, I can give you a specific case that we found. They come in, and they set it up, and they log the trees, and they leave.

Mr. MCINNIS. And the third?

Mr. PENDLETON. Yeah.

Mr. MCINNIS. No, I mean, and the third?

Mr. PENDLETON. And the third is what I term tree poaching. This is when individuals go out, take trees, typically high-value trees, cedar trees on the Olympic where we did most of our research. They'll high-grade them. They'll take the first 40 feet of those trees, usually—or more, whatever they can get. Those type of offenders can range from somebody who's wanting to buy a new pickup to folks that are supporting a drug addict, and I have case samples of both.

Mr. MCINNIS. And I have no tolerance for timber theft, and I just wanted to get the information. I might say to you that you said they looked the other way. I assume you are talking about the Federal employees?

Mr. PENDLETON. In my—

Mr. MCINNIS. You say "looked the other way." There are Federal employees that look the other way, or am I confused?

Mr. PENDLETON. No, you're not confused.

Mr. MCINNIS. I might add that if that is true, then Ms. Flora might say that is kind of an aggressive act of Federal employees, accusing them of looking the other way. I mean are you suggesting the Forest Service intentionally looks the other way when somebody sets up a logging operation they are not entitled to do, and starts logging the forest?

Mr. PENDLETON. No. Actually, I will use the case of the middle ground. This is a Littleton crime, that it was called. It actually happened on the Olympic National Forest. There was an unwritten, as I'm told doing my research, agreement or understanding that any theft below \$50,000 would not be investigated.

Mr. MCINNIS. That is what you have been told, but you haven't seen policy or the forest supervisor hasn't told you that?

Mr. PENDLETON. There was no written policy on that, they made certain.

Mr. MCINNIS. And I will be honest with you. Some of the complaints that I hear from some of our forest people are these kind of accusations. Those people, and Ms. Flora, I agree with you, I think that would be one of the toughest jobs in the world, working Forest Service in my area.

By the way, I know of no one that, at least that I run around with, that is—won't just put their kids in school, I mean they still have a lot of respect. But they are constantly attacked from both sides, the environmental groups that are more activist don't think that they are doing enough. The other groups don't think they are doing enough. I think we have to be real careful about what somebody told you was the unwritten policy of the Forest Service. The people I deal with at the Forest Service try and stick by the book. They use a little common sense, which I am glad to see, but they

appear to me to stick by the book pretty well, and they are very professional employees.

Ms. Flora, let me ask a couple of questions. If in fact what you are saying is occurring—and I don't doubt that it is; I am just not aware of it—one of the obligations, I think of a Federal employee—now, remember we have police officers by the tens of thousands that take abuse every time they write a ticket. I used to be a cop. Mr. Pendleton used to be a cop. And I would have people call me names in the book and everything, that they were not speeding, et cetera, et cetera. That is part of the job. I mean you have got to put up with some of that. These people are angry. You are citing them, so you are going to have a certain amount of what you might call harassment. But the more serious stuff that you mentioned in your comments, some of the incidents that you came up with, for us to do something about it, I certainly encourage the Forest Service employees in my district, let us know about it. Give us specific times, incidents and who the individuals are who are involved, because I hear this from you, but in my 10 years representing one of the largest districts in the United States, and one of the largest districts with forest and Government land, I have yet to even have an entry-level Federal employee come to me and make some of these allegations. So I would certainly encourage specific information, because we shouldn't tolerate it. Go ahead.

Ms. FLORA. Thank you. You know, it's extremely unfortunate—and I am not coming here at all with the intent to castigate Members of Congress or politicians, but what I found in my experience in the State of Nevada, and I'm not going to extrapolate, although I've heard lots of hearsay from other rural areas, in Nevada it was largely elected officials at the State, local, and indeed the Federal level, who were encouraging this kind of behavior by statements they made.

I certainly agree with you, as all Forest Service people do, yes, you will come across angry citizens who want to vent at you, and that is part of the job, and that's OK, as long as it doesn't get personal, and as long as it is not accompanied by threats. And yet, in the instance of the—of Nevada, when I brought to the attention of one of our congressional representatives the extent of the abuse in the media, of calling of—well, for instance, a letter published in the local newspaper that said, "Kill the Fed Nazis before they murder your wife and children." I said that was an inappropriate remark. And he said, "In the media, what do you expect? You're Federal employees."

Likewise, I could go on with a list of comments made by a lieutenant Governor, "God bless these people. I'm behind them 100 percent," when there was destructive acts proposed and indeed carried out by a county commission. A county commission gives their county road crew leader, not only the authorization, but the direction to plow up 900 feet of river that has the last southernmost population of bull trout in it, that to me is an act of eco-terrorism, and yet it was committed by a public official who bragged about it.

Mr. MCINNIS. Well, I should tell you that public officials have no immunity, and I can tell you that I can open the news—and I am not called a Nazi, because the papers don't print that, and I am surprised the paper printed the remark as you said. But you have

got to have a certain amount of tough skin when you are public service. I mean, we face—there is not a day that I—probably 120 newspapers, not a day that I don't get some of what I consider abuse, but that goes with the territory.

But there is a line upon which they cross that it is inappropriate, and I think the Nevada incidents that you mentioned cross that line.

Ms. FLORA. Thank you.

Mr. MCINNIS. But I do want to point out that in my area, and I think through most of the country, the Forest Service, our Wildlife officer—and our Wildlife officer writes tickets to people, the ones I am thinking of, and people tell him “Thanks” on the way out. I mean most of our communities have a lot of respect in the Federal employees, the Forest Service, BLM and fit in. That is not to say we don't disagree. I wrote my own forest plan because I disagreed with one, but we did it professionally.

So I appreciate you coming here today and making that testimony, and I will turn it over to Mr. Inslee.

Mr. INSLEE. Thank you, Mr. Chair.

Ms. Flora, on behalf of all the Forest Service personnel, I want to thank you for your service and all Forest Service personnel. It is a very tough job for a lot of different reasons. We pass the laws, and you are on the firing line on implementing, very difficult.

I read in your written testimony about Guy Pence, I believe a predecessor of yours in the forest where you worked, whose personal vehicle was bombed apparently. And was a suspicion that that was people who objected to his enforcing various environmental provisions, although I understand there was never any prosecution.

What can we do, in your view, what is the best thing that Congress ought to think about doing to help people have greater confidence, Forest Service personnel, where the rubber meets the road. What is the best we can do to help you have confidence to deal with that kind of threat and others?

Ms. FLORA. Well, there is a number of things. One, and I'm sorry to harp on this, but it was a significant problem for me, and that is that as elected public officials, that you support the laws that are passed by Congress instead of attacking them or encouraging others to attack them.

Second, support for Federal employees. Many of the comments that have been made at this hearing are music to my ears in terms of appreciating the hard work and the dedication of Federal employees, particularly in the Forest Service and other land management agencies. I think that providing as much support as possible for the law enforcement entity associated with Federal land management is extremely important. We have very few law enforcement officers on the ground, despite being—despite public claims again by elected officials that we have armed employees on every acre, I can tell you that I had one employee authorized to carry a gun, and he covered an area that was roughly from Raleigh, North Carolina to Philadelphia over to Pittsburgh, one person.

I think that emphasizing and supporting community efforts at collaboration and consensus would be extremely important. We love

to have that kind of support, because we find that when individuals do have a chance to get together in a room, get to know each other personally, that it is very hard to continue the vicious name calling that goes on when the person is only a name and not a face.

And I think that we need to ensure that all activities that take place on public lands are indeed sustainable activities, activities that are not bankrupting the natural capital of our public lands. We tend to look at things very strictly from the economic standpoint, but we often fail to consider the environmental and social costs that are attendant to those activities further down the line.

Those would be good starters.

Mr. INSLEE. Well, I thank you. That is a tall order. We will start at the beginning.

Mr. WASLEY. I was looking at some statistics that seem to indicate from '95 to the year 2000 the number of criminal incidents have gone up dramatically, and the numbers I am looking at are about 144,000 in '96, up to 285,000 in the year 2000, a pretty significant increase. And yet I am told that the number of full-time equivalents in law enforcement since '95 has basically been frozen in the Forest Service. Is that the situation out there?

Mr. WASLEY. That's pretty much the situation. I would say that in 1996 when I took over the job, I had to redo the computer system, so I can't verify the statistics beforehand, so I can't verify that in fact there was such a quantum leap from 145,000 to 280,000. I will tell you that there has been a significant increase in the number of incidents. But I would like to clarify also that an incident is not necessarily a criminal incident. An incident could be a traffic accident. It could be a search and rescue. It could be anything that happens, anything that triggers a law enforcement investigation involvement in that action.

Mr. INSLEE. Right. I was looking at—the investigations appear to have almost actually more than doubled from '95 to '99. It seems like we are stretching law enforcement in the forest pretty thin. Is that a fair assessment?

Mr. WASLEY. I think that's a very fair assessment. If you look at the numerical strength, we probably have one officer for every 650 square miles, and now we are down to something like 125 special agents. 75 or so are actually field going agents. But we are spread thin.

Mr. INSLEE. Dr. Pendleton, in your view, what is the most important thing on the timber theft issue? Is it to make it a more serious crime or to have better investigatory resources? You are probably going to answer both, but—

Mr. PENDLETON. Well, I think that having the investigatory resources is very important, but I think also creating incentives for that not to occur. Business incentives, this is a regulatory environment, and a lot of the theft that occurs, occurs around affiliated timber sale.

The most expensive decision you can make is to arrest somebody. It's expensive. And we're working in a regulatory environment and not just a criminal environment here. And I think the policy and the law needs to be sensitive to the distinctions between the two.

But those that are blatantly stealing trees, then I think you do two things. You first of all keep them from purchasing timber a

second time, and the data that I was presented is that currently that does not exist.

And finally, those that persist, and particularly those poachers, I think that they deserve a criminal experience, because that's what they are.

I think the resources to the agency and a policy commitment go a long way toward beginning to address these issues.

Mr. INSLEE. Thank you. AFTER 6 P.M.

Mr. MCINNIS. Mr. Simpson.

Mr. SIMPSON. Thank you, Mr. Chairman.

Mr. Wasley, I am tempted to ask you if the revenue from timber sales has decreased significantly over the last few years, and consequently the revenue that goes through the Forest Service that supports the law enforcement efforts, but I am not going to ask that, so don't answer.

I do appreciate your testimony, all of you, and I want you to know that whether these acts of violence or terrorism come from the right or the left or any other place, we need to fight them, and those people need to go to jail.

And I understand what you are talking about, Ms. Flora. I have seen some of those things happen, as an example, with the Roadless policy when they closed—not the Roadless policy—when they closed roads in the Targe National Forest due to grizzly bear habitat. People up there were very upset. They went in and bulldozed the roads, made some tank traps and a few things like that. No public comment, no input. And consequently, there was a lack of communication between the Forest Service and the community about what they were doing and why they were doing it. And consequently, when that type of thing happens, you get some upset people. And they did some inappropriate things. Normal, every day citizens that would not have done it under circumstances I think had appropriate communication between the community and the Forest Service existed. So when you say collaborative efforts and community support, I think that is a big key into trying to get some of these things solved.

But one of the things that you mentioned, Mr. Pendleton, I believe you said the radical right trying to take over management of our Federal lands. I guess you are aware that there is a legitimate debate going on in Congress, in the West where most of those public lands are, about the new type of land management, using local input and collaborative efforts. Mr. Kemmis, the former mayor of Missoula, has written a book called "The Sovereign Land", talking about the need for more local input and so forth and for actually local management people that have some attachment to the land, to help manage these things and draw up management plans. And that is a legitimate debate that ought to be going on. So when we talk about local communities and states and stuff trying to take over management of Federal lands, I hope you don't include the legitimate efforts as radical right trying to take over management of Federal lands.

Mr. PENDLETON. No. My frame of reference is really around the crimes that were committed and those kinds of activities.

Mr. SIMPSON. I appreciate that. You stated that efforts to address timber theft, which quite frankly, I have never—I am glad to hear

this—not glad to hear it, but I had never really heard that it goes on that much. But you have stated that efforts to address timber theft by Forest Service law enforcement officers have been overtly stopped. You cite as an example the disbandment of the Forest Service Timber Theft Investigations branch in 1995. As I understand it, this task force was established to be a 3-year task force to make recommendations to the Forest Service. They submitted the report. Many of the recommendations, as I understand it, have been implemented, including a training model for law enforcement officers, and group coordination between law enforcement and land managers, and a data base linked for GIS for tracking incidents.

How does the establishment of task force and the implementation of the recommendations equate to overtly stopping enforcement against timber theft?

Mr. PENDLETON. The disbandment of this task force?

Mr. SIMPSON. Yes.

Mr. PENDLETON. Because it has eliminated an outside entity from coming in and examining these issues and pushing forward with an investigation without the burden of local pressure.

What we have found, what is consistently reported, that it is not the culture in the Forest Service or in these communities to encourage meaningful investigation and enforcement of timber theft law.

Mr. SIMPSON. Are you suggesting then that the recommendations of the task force, after their 3 years of study and input, that the recommendations are not being implemented by the Forest Service?

Mr. PENDLETON. I don't have any information about that. I'm sorry.

Mr. SIMPSON. Well, I thank you. And I do thank you for your testimony, and I want you to know that if there are things going on, I don't care who they are from, right, left, in between, up or down, we need to know about it because I am willing to take whatever action is necessary to try and stop that. I know that some of—our public employees, quite frankly, are our greatest asset. Sure there are times when some of them get out of hand. There are some times when actually congressmen get out of hand. But I do appreciate your efforts and look forward to working with you to try to address some of these problems, because it ought to be a safe environment for our Forest Service, BLM people and others to work in.

Mr. MCINNIS. Mr. Nethercutt.

Mr. NETHERCUTT. Thank you, Mr. Chairman.

Thanks to the witnesses for your testimony.

Dr. Pendleton, I think I heard you say that you are estimating \$100 million in timber theft. Did you say that?

Mr. PENDLETON. I used that figure that—the range has been between 10 million and 100 million over quite an extended period of time. The fact of the matter is that we have no solid data on this.

Mr. NETHERCUTT. And you also indicated there has been some dismissal of timber theft cases and a pardon of timber thief or thieves? Did I hear you right?

Mr. PENDLETON. Yes. It seems that President Clinton pardoned a person that had been convicted of, or been involved and I guess convicted of timber theft or some involvement therein. I use that because I don't believe that the Federal enforcement employees are

encouraged, and when they see something like that, it discourages them.

Mr. NETHERCUTT. I appreciate that. I think that was wrong to do that. And we shouldn't. I agree with my colleagues that this is serious, whether it is right or left, that criminal acts ought to be prosecuted.

I am on the Appropriations Committee, Mr. Wasley, and the Interior Subcommittee that deals with the Forest Service and the funding for the Forest Service. Are you aware what the budget request might be for this year in terms of prosecuting timber theft or other actions as Dr. Pendleton has testified to?

Mr. WASLEY. To my knowledge, there is no specific budgetary request for such prosecutions.

Mr. NETHERCUTT. Is it adequate in your current budget for you to pursue the timber theft cases as you would want to, or is the funding inadequate in your budget for that purpose?

Mr. WASLEY. Well, I deal with the budget as given to me. We have competing priorities. We don't just do, as you well know, just timber theft. We do Archaeological Resource Protection Act violations. We do cannabis suppression. We have a whole range of stuff. So we make do with what we get.

Mr. NETHERCUTT. I understand, and it is never enough, I know, in some of these agencies.

Dr. Pendleton, I want to ask you another question about terrorism. Is it your—we have had testimony here today about ecoterrorism and agroterrorism and so forth, acts that were identified as terrorism by the FBI agent who testified.

Is it your judgment that the timber theft problem fits the definition of terrorism that has been used here today as it relates to ALF and ELF and others that we have discussed?

Mr. PENDLETON. No, no.

Mr. NETHERCUTT. It does not?

Mr. PENDLETON. No. I was asked to come here to talk to you about my research around timber theft, but no.

Mr. NETHERCUTT. I understand. Let me ask Ms. Flora. If you in your experience with the Forest Service, with government service, or you, Mr. Wasley as well, have experienced or had any of your people experience the consequences of tree spiking or other terrorist acts in the forest, as they have been discussed today? Does that affect your people?

Ms. FLORA. I'm not sure I understand the question.

Mr. WASLEY. Well, I think I can answer some of that. It inspires me to proceed more vigorously for those people who perpetrate such acts. I'm a policeman, and that's what I get paid to do is lock the people up.

Mr. NETHERCUTT. Yes, sir. Let me ask you, if you could, Mr. Wasley, to rank the top four criminal activities investigated on U.S. Forest Service lands?

Mr. WASLEY. Far and away, the most significant financial impact would be from cannabis or marijuana production. Arson, well, then arson certainly is huge, especially given last year's terrible, terrible fires. And then it goes down from there. Timber theft is up there. I would take some disagreement or have some disagreement with some of the colleagues here on thwarted efforts. I have never been

thwarted in any investigation in my 34 years of service, ever. And woe be unto somebody that tries to thwart me in a criminal investigation.

But criminal timber theft is—mostly for us is firewood theft. It is dealt with by citation. Don't forget also the timber harvest of the Forest Service is down dramatically. Hence the amount of theft on large contracts is going to go down proportionately.

Mr. NETHERCUTT. I some of that theft, Dr. Pendleton, or the exceeding of the boundaries of a timber sale, due at all to a diseased forest? In other words, my understanding is you are going to—if you are going to harvest a diseased forest, you have got to go beyond the boundaries in order to stop the beetle infestation, for example. Are you referencing in terms of your exceeding of boundaries of timber sales, or does that include it or is it something different?

It seems to me that that would be a legitimate harvest of tress that would be approved by the Forest Service, so I wouldn't think that that would be tree theft. I think that the definition of tree theft is when trees are taken that is not authorized, in the context of a sale or some kind of an environmental issue or whatever it would be.

Mr. NETHERCUTT. I thank you all. Thank you especially for your University of Washington connection, and we are glad you are here. Thank you.

Mr. MCINNIS. Mr. Wasley, I need to do a couple quick follow ups to clarify something. To be honest, before I heard Mr. Pendleton's testimony, and I was pretty surprised by the number he gave us, I was trying to think of timber theft. I think I can understand somebody going outside the boundaries, whether there is intent or not, but the only thing I can really think of that I have ever seen is firewood, where they use firewood, and you have clarified that.

And I want to clarify these statements, because these statements go on the record. Mr. Pendleton has said—and I quote from his statement. "Such few empowers organizational practices that encourage officers to look the other way." In your law enforcement practice with the Forest Service, have you ever investigated a case of an officer looking the other way, or a Forest Service employee looking the other way?

Mr. WASLEY. No. If I found one, I would fire him immediately.

Mr. MCINNIS. Have you ever fired anybody immediately for looking the other way?

Mr. WASLEY. No.

Mr. MCINNIS. Thank you.

And finally, Mr. Pendleton, I am very concerned about your statement, based on the question that you just gave to Mr. Nethercutt. Your statement says, and I would like you to clarify it, because I think it is important, and I am quoting exactly: "It pales in comparison to the \$100 million annual loss attributed to timber theft from the national forest."

Now, that is the number, when I was listening to you, and you go through for—I was a little stunned by that number. I am trying to figure out who sets up an operation and steals \$100 million. Now, in response to Mr. Nethercutt's question, you said that there is no data kept in regard to that, that over a long period of time

it could range from 10 to \$100 million. Now, I am not sure which is accurate, whether your last statement is accurate or your first. I don't want you submitting a statement here alleging \$100 million theft if in fact you don't have the data to support that.

Could you clarify that for me?

Mr. PENDLETON. Sure, I'd be happy to. What I said exactly is it pales in comparison to the \$100 million annual estimates—

Mr. MCINNIS. It says "annual loss." It doesn't say "estimate." I am reading your statement right here in front of me.

Mr. PENDLETON. Well, OK.

Mr. MCINNIS. Loss attributed, \$100 million annual loss. This is your statement on page 3, about three-fourths of the way down. I am not trying to put you on the spot. I am just trying to say—

Mr. PENDLETON. No, I'm—

Mr. MCINNIS. \$100 million a year.

Mr. PENDLETON. That's a lot of money.

Mr. MCINNIS. You are darn right it is a lot of money. And I want to know—but you said there wasn't data that could support that number.

Mr. PENDLETON. What I'm repeating is a figure that's been used over a period of years, that—

Mr. MCINNIS. OK. So it is a number, that as the earlier one you said—

Mr. PENDLETON. Well, actually I think—

Mr. MCINNIS. Let me clarify. You said earlier in your statement, you clarified for me that in fact you had heard that it was an unspoken policy of the Forest Service to look the other way. Now you are clarifying further in your statement that this is a number that you have heard around the communities—

Mr. PENDLETON. No, I didn't say I heard it around the communities, sir. This number was actually in congressional testimony by a former head of the Forest Service, Mr. Robinson, gave that exact estimate. I believe it was in 1992. It's a number that's been repeated.

Mr. MCINNIS. This says annually. Do you have hard data? And I am not trying to harangue you. Mr. Pendleton, let me ask you this. Do you have hard data that supports \$100 million a year timber theft from the national forests?

Mr. PENDLETON. I do not.

Mr. MCINNIS. Thank you.

Mr. Inslee, you can do some follow up, and then we will wrap it up.

Mr. INSLEE. Thank you. I have heard that number, and the source of that is the congressional research service report to Congress entitled "Forest Service Timber Sale Practices and Procedures Analysis of Alternative Systems", which said, as I read it, stolen timber could be worth as much as \$100 million a year. I mean is that the source of the information?

Mr. PENDLETON. It is, but it has been repeated in other settings as well. I mean, I think that probably the important policy question is here, why is it we don't have an accurate number? Because I think that one of the issues that we certainly confronted when we were doing our research was that the data collection system in the Forest Service was woefully inadequate.

Mr. INSLEE. I have a question just to the whole panel, and if Mr. Nethercutt could help us too, I would appreciate it. Mr. Nethercutt has proposed some legislation, and I am wondering if any of you have looked to see to what extent it may help in reducing the occurrence of the crimes we have talked about here, either assaults on personnel, or timber theft, or bombing of Federal offices by folks who are against environmental protection. Do you know, would Mr. Nethercutt's legislation help in any of those regards? I am happy to hear from anyone on that.

Mr. WASLEY. I, unfortunately, only got the legislation last night. I haven't had a chance to review it in depth, but I will say that anything that provides for information sharing and two-way flow of information, not just into some black hole that would never get out again, I would say would definitely be of value.

Ms. FLORA. I'd certainly concur with that. Any action that can curb uncivilized, hostile, violent behavior is excellent. The problem that still faces us are these unprosecutable threats and harassment and intimidation. I don't know that there is a legislative answer to that. There is a social behavioral answer to it, but I don't know that one can legislate civility.

Mr. PENDLETON. I have not had a chance to see the legislation, but I do know that just the fact that this hearing has occurred and legislation is proposed, will go a long way to send a message to the people in the Forest Service that in fact there is a strong interest in these issues, and that's a good thing.

Mr. INSLEE. Mr. Nethercutt, could you help us on that? Would your legislation apply to these types of crimes?

Mr. NETHERCUTT. It may, Mr. Inslee, because it would provide information, and it would provide research assistance in terms of preventing agroterrorism. The reason I asked Dr. Pendleton the question about whether a timber theft rises to the level of terrorism as identified by the FBI, was—I was trying to ascertain whether his concern about timber theft and other activities that he is testifying about would come under the definition. And I am not so sure it would under the definition of terrorism, because there has got to be some political purpose and long-term strategy to accomplish it.

But my sense is—and I would be happy to work with you, amend your legislation, to make sure that the FBI has a chance to get the timber thieves or any kind of activity that is illegal that is within their jurisdiction in order to prevent it.

Mr. INSLEE. Well, perhaps we can talk about that. Thank you. Thank you.

Mr. MCINNIS. Mr. Inslee, I just want to clarify that the CRS report that you have, the beginning of the sentence or the beginning of the paragraph that you extrapolated from starts with, "The extent of theft is unknown."

Second of all, Ms. Flora, I am trying to remember the organization—but on an unrelated matter, but a matter that is related to this Committee, we are going to have the lynx hearings coming up, and I think—we had some biologists who have admitted planting lynx here and so on. And I took that issue on, as did a number of my colleagues, and I believe there was a press release of an organization that accused me then of breaking the law because I ques-

tioned the biologists. I am not sure if that is your organization or not.

But let me clarify one thing. I think it is important that—because there were a number of references made about elected officials, I don't think any elected official or any individual has a right to be derogatory in the sense of a verbal assault, but I think it is our responsibility to question Federal employees if we think that a policy is incorrect, if we think a Federal employee has misbehaved. I mean we get questioned every day. But I want to make sure that there is clarification here that we in Congress, just like Mr. Wasley has an obligation to question actions of their employees as kind of the check and balance there.

Anyway, I would invite you to that hearing next week.

I want to thank the panel very much for your cooperation.

Mr. NETHERCUTT. Mr. Chairman—

Mr. MCINNIS. We had better wrap it up here. Yes?

Mr. NETHERCUTT. May I just ask one quick follow-up question that went to Mr. Inslee's question?

Mr. MCINNIS. Yes.

Mr. NETHERCUTT. Mr. Wasley, is there any good starting point in the Forest Service for information collection as it relates to theft or exceedences on timber sales or any of that? Is there any mechanism or system in place that we might start from in order to address this problem as well as the eco-terrorism problem that we are so concerned about?

Mr. WASLEY. That is a complex question, and I am not going to try to beg it, but I think we would do better to discuss it with our timber management folks and get you a written answer on it.

Mr. NETHERCUTT. Yes, sir. No, that is fine. We are going to look at it in Interior Appropriations and funding of programs. So it might be something we might want to think through and address. But thanks so much.

Thanks, Mr. Chairman.

Mr. INSLEE. Mr. Chair, I would ask unanimous consent to present Representative Acevedo-Vilá's statement and a statement from the Klamath Tribes regarding some incidents. And one more that I am looking for. A statement from Robert Elde, Dean of College of Biological Sciences from the University of Minnesota. Thank you.

Mr. MCINNIS. No objection, so ordered.

[The prepared statement of Mr. Acevedo-Vilá follows:]

Statement of The Hon. Anibal Acevedo-Vilá, Resident Commissioner from the Commonwealth of Puerto Rico

I thank Chairman McInnis, Ranking Member Inslee, the witnesses here today, and my colleagues for focusing on eco-terrorism and lawlessness on the National Forests. My district plays host to the Caribbean National Forest (CNF), a 28,000-acre treasure that is the only tropical forest in the U.S. National Forest System. While the CNF (commonly known as El Yunque) provides a unique and lasting experience to its visitors and plays an important role in our National Forest System and for the environment of Puerto Rico, it is far from immune to lawlessness and eco-terror.

Over the past 50 years, visitations to the CNF have continued to escalate. More than 850,000 people visit the CNF annually and over half of these visitors are from the 50 states. Additionally, there is an increasing human population living within the urban interface between municipalities CNF lands. These factors have created an almost insurmountable challenge when faced with having to provide protection

and safety of visitors and Forest Service employees, compliance with regulations and protection of Government property and National Forest resources.

Today there are two full time Law Enforcement Officers (LEOs) and one full time resident supervisor expected to cover a 28,000-acre area that receives intense visitation and must be protected and patrolled on a 24-hour basis. The CNF LEOs not only have to combat crimes against persons, they also enforce regulations and laws relating to forest product theft, destruction of Government property, sanitation, encroachments, closure orders, traffic, occupancy and use, off road vehicles, and regulations for developed and undeveloped recreation areas.

The fact that we are here today focusing on eco-terror and lawlessness on National Forest Lands shows that this problem is clearly not unique to the Caribbean National Forest. This issue has become a national problem. Staff levels that once proved capable of deterring crimes associated with National Forest System lands are no longer sufficient.

The National Forest System has more acreage and visitations than the National Park System (NPS) and the Fish and Wildlife Service (USFWS) combined. Reported criminal activity is significantly higher on National Forest System lands too, yet there are some six times the number of LEOs serving under the NPS and USFWS than serving under the FS. Furthermore, each FS LEO is responsible for patrolling an average area of 591 square miles, while an NPS LEO patrols an average area of 56 square miles and an USFWS LEO patrols an average area of 151 square miles.¹

In fiscal year 2001, there were 751 reports of criminal activity in the CNF, 244 warning notices issued, and 413 documented incidents left unresolved. Many of these crimes are considered serious and violent. To exemplify the lawlessness and eco terrorism in the CNF, I have listed below some recent examples of the crimes we face in El Yunque. They include:

- February 1, 2002 - Forest visitors were robbed at gunpoint while visiting the Big Tree Trail. A stolen Lexus vehicle occupied by three suspects was identified as responsible for the incidents. After a chase involving FS Law Enforcement and Investigations personnel, two suspects were apprehended and the Lexus vehicle was recovered.
- November / December, 2001 - Two illegal alcohol production facilities that were operated on FS lands were found and destroyed.
- July 2001 - Two forest visitors were victims of a car jacking on Hwy. 191. Their vehicle was stolen at gunpoint by two suspects.
- Forest visitors were robbed at gunpoint while they were parked at the Las Cabezas overlook. Credit cards, cash, and other belongings were stolen.
- April 2001 - Endangered Puerto Rican Parrots stolen. USFWS Parrot aviary is burglarized. Suspects removed 2 endangered Puerto Rican Parrots and 8 Dominican Parrots. The case is still under investigation by USFWS and FS.
- Stream Poisoning and Illegal Shrimp Harvesting on the Caribbean National Forest - The Caribbean National Forest currently does not allow fishing in the Forest. Yet, illegal shrimp harvesting has been an on-going issue on the CNF for many years. One method of illegal shrimp harvesting is adding chemicals streams which cuts off the source of oxygen, causing the shrimp to rise to the surface where they are then caught in nets. The illegal use of chemicals such as bleach and pesticides has been increasing over the years.
- Recently, a man with a criminal record was detained by citizens who found him within the Caribbean National Forest using a dangerous pesticide known as cypermethrin which can affect the central nervous system of humans and is highly toxic to fish and aquatic invertebrates.
- During the last year the number of official and unofficial reports of these incidents have been increasing considerably. Within a one-month period, five incidents were reported. Lack of specialized law enforcement personnel in the Forest make the detection of these violations difficult.

Mr. Chairman, these examples represent only a few of the recent crimes committed in the CNF. I believe this committee must work to provide adequate resources to our law enforcement personnel in the Forest Service. Too much is at stake to let these problems go unchecked. The Forest Supervisor in the CNF, Mr. Pablo Cruz, has made clear that he and the LEOs face incredible challenges with very limited resources. We, as Members of this Subcommittee should focus on authorization legislation that will provide adequate and necessary resources to the Forest Service to protect both the visitors and the cherished natural resources of these important lands.

¹ These numbers are based upon a 1997 U.S. Marshall Service survey.

I look forward to working with the Subcommittee to find necessary and lasting relief to the problems caused by lawlessness and eco-terrorism in the National Forest System.

[The statement of Mr. Elde submitted for the record follows:]

**Statement of Robert Elde, Dean, College of Biological Sciences,
University of Minnesota**

Mr. Chairman:

Thank you for the opportunity to present this testimony on a recent eco-terrorism incident at the University of Minnesota.

On Tuesday, January 28, the Earth Liberation Front (ELF) claimed responsibility for a fire set at the construction site of the University of Minnesota Microbial and Plant Genomics Building early on the morning of Saturday, January 26. The fire was started with incendiary devices placed in a construction trailer, a bulldozer, and other equipment. It spread from the construction trailer to the Crops Research Building, where it destroyed a soil testing laboratory not related to genomics research. Preliminary cost estimates of the damage were \$250,000, but that is expected to be much higher after costs of lost research are calculated.

Also damaged were important laboratory instruments related to plant breeding and a large amount of graduate thesis research, much of it irreplaceable.

Fortunately, there were no deaths or injuries, but there could have been. It is not uncommon for faculty or graduate students to work in labs after hours on evenings and weekends. Moreover, the site is adjacent to a fuel tank. If the fire had spread to the tank, there could have been a huge explosion with massive damage and loss of life. This incident goes far beyond malicious mischief or vandalism. It is, in fact, domestic terrorism.

In issuing a communiqué taking credit for this terrorist act, ELF disclosed information that only someone with first-hand knowledge of the arson would know, lending credibility to its claims of involvement.

This is not the first time ELF has struck here at the University of Minnesota. Two years ago, the group attempted to "free the seed" by setting fire to a greenhouse which destroyed projects involving genetically altered oats.

Perhaps most disturbing is that the ELF's actions were based on inadequate information. The group targeted our building because they believe our research is harmful to the environment; in fact, the opposite is true. The purpose of our genomics program is to understand how genomes enable and perpetuate all life on the planet. This basic research could lead to ways to reduce use of pesticides and fertilizers in agriculture, find renewable alternatives to fossil fuels, identify new strategies for cleaning the environment, and preserve ecosystems.

The most critical problems the human race faces are biological. There will be nine billion people on earth in 50 years. With current practices we cannot provide the food, clothing, and fuel for this population. Ecosystems will be destroyed by this growth and the pollution it causes. These problems will be solved by biologists using biotechnology, not terrorists with matches and inflexible views.

At the College of Biological Sciences, researchers have developed methods for engineering bacteria to consume pesticide spills in soil. And the University is home to the Department of Evolution, Ecology, and Behavior, one of the leading ecology departments in the United States. These ecologists, who help shape national environmental policy, are interested in working with biotechnologists to find ways to restore ecosystems. They do not support ELF.

Genomics research is being conducted at virtually all public and private research universities and is supported by the federal government. Universities are the place where this kind of research should be developed because we can ask the hard questions. The University of Minnesota is a place where all points of view can be expressed. There is no need for terrorism. Ironically, the Microbial and Plant Genomics facility was designed to provide an open environment for genomics research where everyone and all points of view would be welcome. But as a result of this incident, we may be forced to secure the building and restrict access.

In fact, the University of Minnesota formally asked the Minnesota state legislature for an emergency appropriation of \$4 million to help us increase security at all our facilities in the wake of September 11. While taxpayers might be better served in having \$4 million invested in the provision of need-based financial aid, the hiring of top-notch faculty, or the funding of intriguing and beneficial research, today's post-September 11 reality is that security is now a top priority. Unfortunately, the ELF terrorism only underscores that need.

Ironically, we have never received any communication from ELF inquiring about our research or asking to speak with us to explain their concerns. It's curious that they destroy without asking questions. As scientists and teachers, it is our job to educate the public about the value of our research. We welcome the opportunity to educate members of this group and to listen to their views. Instead, they seem only interested in perpetrating acts of terrorism.

In the letter claiming responsibility for the arson, ELF stated that the Microbial and Plant Genomics Building was targeted partly because it was funded by Cargill Corporation. Cargill provided half of the funding; the state of Minnesota provided the other half. The Cargill gift, which was contingent upon a matching gift from Minnesota, was designated for construction of a microbial and plant genomics research building. Cargill does not have rights to intellectual property that results from research conducted in the building.

There is great value in private-public partnerships. Industry and academia need to work together. Academics are good at identifying approaches to solving problems, but not delivering the products. Companies deliver the goods. The involvement of food, chemical, and drug companies is essential.

Cargill-Dow, a spin-off of Cargill, has developed a way to make biodegradable plastic from corn. They will soon begin manufacturing this material for use in packaging, disposable plates and utensils, fabric, and carpeting. Their slogan is "Our goal is to change the world by not changing it at all." Their work will make a far more meaningful contribution to protecting the environment than ELF will ever make.

I appreciate the opportunity to comment and look forward to working with the committee as you look into this serious threat to academic research.

Mr. McINNIS. Again, I want to thank all that have been present here today. It has been a long hearing, but it is an issue that is very important to all of us.

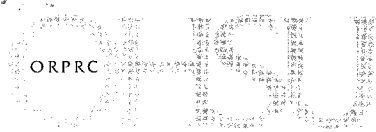
Thank you very much and have a nice evening.

Mr. McINNIS. The Committee is adjourned.

[Whereupon, at 6:20 p.m., the Subcommittee was adjourned.]

[Additional materials submitted for the record follow:]

- Conn, P. Michael, Ph.D., Associate Director for Research and Development, Oregon Regional Primate Research Center, Oregon Health Sciences University, Letter and statement submitted for the record
- Kerr, Jeffrey S., General Counsel and Director of Corporate Affairs, PETA Foundation, Letter submitted for the record
- Nichols, Nick, Chairman and Chief Executive Officer, Nichols-Dezenhall Communications Management Group, Statement submitted for the record



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October 4, 2001

Mr. Josh Penny
 Sub Committee on Forest and Forest Health
 1337 Longworth House Office Building
 Washington, DC 2951506295
 Fax #202-225-0521

Dear Mr. Penny:

My name is Dr. Michael Conn. I work as Special Assistant to the President of Oregon Health and Sciences University and as Associate Director of one of its Institutes, the Oregon Regional Primate Research Center.

I read with interest the story in *The Oregonian* this morning (October 4, 2001) about the subpoena of Mr. Craig Rosebraugh by the House Resources Committee.

I am attaching my testimony of September 26, 2001, before the City Council of Portland, Oregon, during its deliberations about reauthorization of the Portland Joint Terrorism Task Force. I would like to draw your attention to this paragraph in that testimony:

"A little over one year ago, the FBI found my name and home address written on a file card in the home of the former national spokesman for the Earth Liberation Front. Mr. Rosebraugh has been arrested for trespassing at the primate center, publishes a web site on how to make firebombs and distributes a video called "Igniting the Revolution," which urges people to burn homes and businesses."

Although I did not mention in this testimony, press reports indicated that the FBI also found plans of the Primate Research Center in Mr. Rosebraugh's home.

I honor Mr. Rosebraugh's constitutionally guaranteed right to the expression of his beliefs.

What I do not understand is why someone who advocates the covert, criminal destruction of property would want to keep record of my home address and of the plans of the institution where I work. I am also interested in learning how he came into possession of those plans.

May I suggest these questions as lines of inquiry when your committee convenes to hear Mr. Rosebraugh's testimony?

Sincerely yours,

P. Michael Conn

OREGON REGIONAL PRIMATE RESEARCH CENTER
 OREGON HEALTH SCIENCES UNIVERSITY
 505 N.W. 185TH AVENUE • BEAVERTON, OR 97006 • TELEPHONE 503-645-1141, FAX 690-5532

Statement by P. Michael Conn, 26 SEPT, 2001 Before the City Council, Portland, Oregon

Your Honor and Members of the Council:

My name is Dr. Michael Conn. I work as Special Assistant to the President of Oregon Health and Sciences University and as Associate Director of one of its Institutes, the Oregon Regional Primate Research Center. I also have a research program that has contributed to the development of treatments for breast and prostate cancer, endometriosis and problems of infertility.

Because of what I have to tell you today, it is important that you understand that my own research program does not currently use animals, although we have in the past. Like most Americans, I understand the value of animal research in basic science—so important for development of treatments for both human and animal

disease. Therapies for diabetes, AIDS, Alzheimer's, cancer, along with antibiotics, vaccines and surgical techniques—to name just a few things—all had origins in animal research. I have spoken and written about the importance of humane animal research and how it benefits humans and animals.

Recently, I was invited to visit the University of South Florida, located in Tampa, Florida. Shortly before this trip, I was alerted that a mid-west activist had announced my visit to Florida on an e-mail listserve. This person, who, I later learned—and I am quoting here—, “believes we must be willing to do whatever it takes to gain animals freedom,” even if that means the killing of a so-called “animal abuser,” solicited letters to the university administration and to my academic colleagues. I also received an email from the educational coordinator of Florida Voices for Animals detailing my “ignominy,” and telling me that I was unwelcome in Tampa. I responded, explaining that although I support the humane use of animals in medical research, I do not, myself, use animals in my research projects.

Let me step out of the sequence of events just for a moment. One of the largest animal extremist organizations in the world, “People for the Ethical Treatment of Animals,” “PeTA” subsequently picked up on the midwest and Florida postings and created a page for me on their website, also soliciting e-mails and letters. I learned that PeTA, which has helped fund one of the mid-west activist's advertising campaigns, is focusing not on my own work but, on the fact that I work for an institution that conducts animal research. PeTA never mentions, however, that my institution is fully accredited and compliant with all federal and state laws.

Back to the sequence of events: My plane was met at the Tampa airport by animal extremists who tried to engage and film me. Exercising their rights, under a Florida open meetings law, they were present at virtually all of my scheduled meetings with USF committees. Some stood outside meeting room doors, distributing fliers that made outlandish claims and lobbying attendees. Others, wearing t-shirts that said, “keep primate tester Dr. P. M. Conn out of USF,” made derogatory comments. Still others asked me why I was lying about using primates in my program—a question that a sympathetic faculty member turned into an accusation, insisting in obscene language that I was lying about not using animals in my current research program.

In one meeting, news media with video cameras burst into the room. They never interviewed me, choosing to accept unchallenged the claims made by the extremists and identifying me simply as a “vivisector,” a term of opprobrium used by extremists.

The campus was plastered with handbills, full of absurdly incorrect information. There was no way for me to reach out and dialogue with those who were responsible for this campaign of mis-information. Naively, I did try on one occasion to talk with one of the extremists, but he showed no interest in meaningful discussion.

I received threatening calls at the hotel and knocks on the door in the middle of the night. I never knew who was going to be coming through the door of a meeting room. This put me in a constant state of fear to the degree that, at one point, when a casually dressed faculty member, whom I did not know, entered from the door behind me, I jumped out of the way in fright, later, apologizing to her.

It got so bad that an armed state police officer was assigned to look after me.

The constant presence of an armed guard made me recognize that I was a “sitting duck” to anyone with a weapon. At one point, after being accused of telling lies, cursed at, and in constant fear for my well being—all the while trying to meaningfully address the academic concerns and questions of my USF colleagues—I considered returning home to Portland for reasons of personal safety. Though my nerves were shot, I decided to remain in this incredibly stressful situation for the planned two days.

At a little after 4 a.m. on the day of my departure, the police officer met me in the lobby of the hotel, escorted me to a taxi and followed me for a few miles before waving goodbye and turning off to another road. I thought it was over, and with a tremendous sense of relief I checked in and passed through security. Suddenly, as I was about to step onto an escalator, I became aware that some of the extremists—muttering “we came to say goodbye,” and “we were afraid we missed you” “had physically surrounded me. I managed to step aside so that I could descend the escalator several steps behind them. An alert gate agent, noting the message on their t-shirts, phoned airport police, and I was quickly boarded onto an empty plane.

I was to learn, however, that it still wasn't over. Now, back in Portland, animal extremists have shouted at me from the road above at my home, and I have found that someone has been ransacking my garbage.

All this terrorism is new to me. Remember, I do not work with animals. I work at a university that does, a university, I remind you, that is fully compliant with all laws and measures up to the highest standards of animal care.

I believe that the events I have recounted were meant “to terrorize,” a verb that Webster defines as “to coerce by filling with terror as by the use or threat of violence.” But some animal extremists say, “We do not use violence. We demonstrate and destroy property, but we never injure or kill persons.”

What are we to think of that?

Maybe we should ask the four scientists at my institution who received letters armed with razor blades set to cut the hand of the opener—I think that they would call that the use of violence.

Maybe we should ask the center administrators who have received anonymous telephone calls and unsigned mail, and e-mails, which all but threatened them with death—the callers or writers expressing such wishes as that the scientists soon suffer in hell. Even if these communications carefully stopped short of illegal death threats, the administrators felt the force of their violence.

Or maybe we should ask the scientist at another University who has been warned that his children’s pictures would be put up on the internet—hostages, in other words—until he stops research on animals. Surely he feels this as both a threat and an experience of violence.

The leaders of the animal extremist movement say that they are non-violent in the tradition of Gandhi and Martin Luther King and Rosa Parks. They point out that unlike some of their colleagues in England, who recently took a baseball bat to the head of a researcher, they haven’t physically assaulted or killed anyone—at least, not yet.

But that fact doesn’t qualify them as non-violent, or put them in league with Gandhi and King and Rosa Parks. Gandhi and King and Rosa Parks appealed to the consciences of their adversaries; animal extremists, on the other hand, bully and intimidate. Gandhi and King and Rosa Parks chose to suffer themselves; animal extremists, on the other hand, set out to inflict suffering on us. Gandhi and King allowed themselves to be arrested for their cause, while animal terrorists set fires in the night, phone anonymously, send unsigned e-mails and post outright lies and half-truths on their web sites.

A little over one year ago, the FBI found my name and home address written on a file card in the home of the former national spokesman for the Earth Liberation Front. Mr. Rosebraugh has been arrested for trespassing at the primate center, publishes a web site on how to make firebombs and distributes a video called “Igniting the Revolution,” which urges people to burn homes and businesses.

You can be assured that when I learned of the FBI discovery, I felt not just the threat of violence, but something more, something that violated my person, something that felt very much like violence. Most certainly I was then, as I was in Florida last month, a target of terrorists.

Painful as it is to be in the cross hairs of terrorists, neither my colleagues nor I will bow to their force or be deflected from our course of discovery that leads to cures of human and animal disease. I challenged those who taunted me in Florida to tell the parents of a critically-ill child that research is not important. The only time these terrorists did not follow me was when I passed through the Cancer ward at Florida’s Moffitt hospital. Go figure.

I am pleased to answer any questions.

{A letter submitted for the record by Jeffrey S. Kerr, General Counsel and Director of Corporate Affairs, PETA Foundation, follows:]

MARCH 14, 2002

The Honorable Scott McInnis
Chairman, House Resources Subcommittee
on Forests and Forest Health
U.S. House of Representatives
320 Cannon Building
Washington DC 20516-0803

Dear Congressman McInnis:

I am general counsel to People for the Ethical Treatment of Animals, Inc. (PETA). Your letter dated March 4, 2002 to PETA’s president, Ingrid Newkirk, has been referred to me for response. PETA appreciates the opportunity to respond to the attempted smear campaign perpetrated by the vested interests opposed to its animal

protection efforts. Please note that I submitted written testimony on PETA's behalf to the House Resources Subcommittee on Forests and Forest Health relating to the February 2002 hearing referenced in your letter. Some of your inquiries are addressed by that testimony and I trust my testimony has been made part of the hearing's public record. I appreciate your pledge to make this letter part of that record.

PETA respects the Congress, the proper use of government for the benefit of the nation's citizens, and, most importantly, the fundamental liberties guaranteed by the Constitution and the Bill of Rights. It is in that spirit that PETA is pleased to respond to your inquiries. However, in light of the lies and half-truths that have been leveled against PETA by industry-funded front groups like the misleadingly-named Center for Consumer Freedom (CCF) and Center for the Defense of Free Enterprise (CDFE), both during the February hearing and afterwards, the public has a right to a response that places this matter in the proper perspective. Toward this end, this letter will address your inquiries by discussing the following issues:

1. PETA's international charitable programs to expose and end animal abuse and suffering wherever it occurs.
2. The true agenda of CCF, CDFE, and the industries arrayed against the animal protection and environmental protection movements.
3. The circumstances surrounding the February hearing and the release of your letter of inquiry.
4. The extent of contributions to your campaign committee by the very industries opposed to PETA, animal protection and environmental protection, and that fund the CCF, CDFE, and others in their avowed campaign to destroy environmental and animal activism.
5. PETA's expenditures in defense of fundamental constitutionally-guaranteed liberties.

Due to the timing of your inquiry, this response was prepared during the 6-month anniversary of the September 11th attacks that took the lives of 3,000 of our fellow citizens, and changed the lives of all Americans. That anniversary should serve as a reminder that there is true terrorism afoot and should shame people and groups using the attacks on our nation as an opportunity to further their own financial and political goals by using ugly rhetoric to hijack true concerns of their legitimate opponents.

PETA's Exemplary Charitable Animal Protection Programs

"The conventional view serves to protect us from the painful job of thinking."
— JOHN KENNETH GALBRAITH

Allow me to set the record straight again. PETA does not provide financial or any other assistance to any person or group for the purpose of so-called terrorist activities. Any suggestion to the contrary is simply wrong, defamatory, and the product of lobbyists, public relations consultants, and other paid spokespeople for animal-exploitive industries.

As explained in my testimony, everything PETA does is public. Unlike its opponents, it does not hide behind front groups with ever-changing names and hidden agendas. As a 501(c)(3) organization, PETA's financial records are audited annually by an independent certified public accounting firm, its annual Form 990 tax returns are publicly available from the Internal Revenue Service and, in accordance with applicable law, PETA makes those returns available upon request. PETA also publishes an annual review of its program accomplishments in accordance with all reasonable standards of charity oversight, and makes its audited financial statements available even though there is no requirement for it to do so.

PETA maintains several web sites that describe in detail each of its campaigns to expose and end animal abuse, including PETA.org, GoVeg.com, Circuses.com, CowsAreCool.com, MilkSucks.com, FishingHurts.com, StopAnimalTests.com, and FurIsDead.com. These sites demonstrate PETA's true animal protection mission through the use of hard-hitting public education campaigns, protests, street-theatre-type demonstrations with naked activists or activists dressed up as giant rabbits or chickens to protest their suffering in the meat, leather, fur, entertainment, and animal testing industries.

The following list of recent PETA accomplishments discloses PETA's effectiveness in fighting for the animals:

- PETA convinced fast-food giants McDonald's, Burger King, and Wendy's to improve living conditions for the animals provided by their suppliers. These were immense steps forward that greatly reduce the suffering of billions of animals raised to become hamburgers and chicken nuggets.
- PETA released details of shocking cruelty to pigs found during an investigation of the third-largest pig farm in the U.S., Oklahoma's Seaboard Farms, Inc. One manager has been charged with four counts of felony animal cruelty—only the

second time in U.S. history that a factory farm employee has been charged with felony animal abuse. (The first time was a PETA case involving a North Carolina pig farm in 2000).

- PETA convinced international retail giants like Nike, Gucci, Eddie Bauer, Nordstrom, Reebok, Kenneth Cole, The GAP, and L.L. Bean to boycott Indian leather after PETA exposed the immense animal abuse in the Indian leather industry, including breaking animals' tails and rubbing hot peppers into their eyes in order to force them to march long distances to slaughter.
- PETA convinced the U.S. Department of Transportation to stop painful tests in which corrosive chemicals were poured onto rabbits' shaved backs, burning holes into their skin. PETA successfully argued that the D.O.T. should use a modern, non-animal test that had already been approved by the government.
- PETA convinced Sears, Roebuck & Company to cancel its sponsorship of Ringling Bros. & Barnum and Bailey Circus after explaining Ringling's deplorable record of repeatedly violating the federal Animal Welfare Act in which they have failed to satisfy even minimum standards for the animals beaten and forced to perform degrading tricks in its tawdry circus.
- PETA saved more than 800,000 animals from painful poisoning tests slated for the U.S. government's high production volume (HPV) chemical program designed to test thousands of chemical substances on animals. The government agreed to replace many of the tests with non-animal methods, delay some of the tests for two years to allow for the development of non-animal tests, and to dedicate \$5 million to fund non-animal methods.
- PETA's SNIP (Spay and Neuter Immediately Please)-mobile, a new mobile spay-neuter clinic serving mostly low-income families, sterilized more than 3,000 animals for those people who could not otherwise afford the procedures and for shelter cats and dogs prior to adoption.
- PETA staff and dedicated volunteers traveled to one of the country's poorest communities in North Carolina to deliver more than 400 doghouses hand-made by PETA to exacting specifications for animals exposed to the elements at the city's rundown animal shelter and for "backyard dogs" huddled under card tables, inside rusting cars, and in mud holes, unable to get away from searing summer heat and freezing winter cold.
- PETA continues to distribute, free of charge, a kit which helps people transition to a healthy vegan diet as a critical part of reducing the monumental animal suffering inflicted on cows, pigs, chickens, fish, and others raised for slaughter in the animal-food industry.
- PETA has convinced almost 600 companies, including Gillette, Colgate-Palmolive, Mary Kay, L'Oreal, and many others, to stop testing their products on animals.

Occasionally, PETA members engage in acts of peaceful civil disobedience in the greatest traditions of the Boston Tea Party, Harriet Tubman, Mahatma Gandhi, Susan B. Anthony, Cesar Chavez, and Martin Luther King, Jr. Indeed, our sacred Declaration of Independence is a document of peaceful civil disobedience against the tyranny of the British crown. These acts are undertaken only after animal exploitive companies and government agencies refuse to end their cruel practices and all other avenues of discourse are effectively foreclosed.

PETA members may briefly chain themselves to a company or government office door, or they may interrupt a meeting or fashion show to protest the genital electrocution and neck-snapping of animals raised for fur. They may dump make-believe "urine" (colored water) on the doorstep of Wyeth-Aherst to protest the collection of urine from constantly impregnated mares for the production of its drug Premarin and the slaughter of worn-out mares and their offspring when they are no longer "useful." They may, on occasion, lob a bit of tofu cream pie at a corporate big-wig who refuses to discuss ending painful animal tests in pursuit of a new shampoo or mascara. Or they may climb a flag pole to unfurl a banner exposing the cruel beating of elephants and other animals to perform degrading acts in circuses after they have been ripped away from their mothers.

But by no stretch of the imagination do any of these acts constitute terror or violence. For anyone to suggest otherwise is an insult to the victims of September 11th, and the suffering and loss borne by their families and our fellow citizens generally in the wake of those attacks. Stated plainly, it is reprehensible for PETA's opponents to equate peaceful and lawful animal protection with al-Qaeda or any other type of terrorism, and to exploit that tragedy for expedient political gain.

The True Agenda of Industry-Funded Front Groups CCF and CDFE

"[We have] to shoot the [animal and environmental protection] messenger."

— RICHARD BERMAN, CENTER FOR CONSUMER FREEDOM

“[F]ear, hate, and revenge go a long way.”

— RON ARNOLD, CENTER FOR THE DEFENSE OF FREE ENTERPRISE

Unlike PETA’s entirely open charitable mission and programs, those groups and individuals spreading libelous statements against PETA hide behind industry-funded front groups with ever changing names and hidden agendas. The Center for Consumer Freedom (CCF), and its lobbyist Richard Berman, and the Center for the Defense of Free Enterprise, with its founder, convicted tax felon Alan Gottlieb and executive director Ron Arnold, are paid mouthpieces of the industries staunchly opposed to even modest animal and environmental protections. CCF and CDFE are just the latest incarnation of the cunningly named “Wise Use” movement and the misleadingly-named “Guest Choice Network.” None of the information they “expose” has ever been hidden. Some is made up, some is half-truth, and all that is real (yet mischaracterized by them) is available in public reports, press accounts, and Internal Revenue Service filings of non-profit organizations.

It is not surprising that CDFE and CCF would attempt to inhibit PETA’s vital work for animals. These are front groups for loggers, cattle ranchers, tobacco interests, alcohol companies, and factory farmers who writhe when PETA reveals documentation that bulls are castrated without anesthesia and dismembered at slaughterhouses while still conscious, or when we write about yet another scientific study linking animal fat with cancer and heart disease, or when we attack decades-long smoking experiments on animals. Alarm bells must have really gone off in their heads when PETA’s hard-hitting campaigns persuaded McDonald’s, Burger King, and Wendy’s to make unannounced visits to their slaughterhouses to ensure humane killing and other improvements in animal treatment. These campaigns have caused a ripple effect throughout the factory-farming industry. Corporations know they are going to have to change the way they do business in order to adhere to fast food companies’ new rules. These corporations want nothing more than to maintain the status quo. Indeed, CDFE was formed with the express purpose of opposing all regulation in business. But they cannot silence the cries of animals suffering at their hands or the demands for change from the compassionate citizens of this nation.

The following list of facts about CCF and CDFE illuminates their true agendas.

Center for Consumer Freedom

- CCF was founded by Berman, a Washington, D.C. lobbyist who represents the tobacco industry, alcohol distributors, taverns, and restaurant chains. Until January 2001, CCF was known as The Guest Choice Network, funded by the Philip Morris tobacco company to the tune of nearly \$1 million.
- In addition to CCF, Berman runs the following organizations out of the same Washington, D.C. building that houses CCF and his lobbying firm, Berman & Co.:
 - * The Employment Policies Institute whose mission is to oppose any increase in the minimum wage so his restaurant clients can continue to pay their workers as little as possible.
 - * The American Beverage Institute which represents restaurants and retailers that sell alcohol. ABI’s arch enemy is Mothers Against Drunk Driving (MADD) and it fights all attempts by MADD to reduce the legal blood alcohol limit for improved driver safety.
- Berman was the protege of Norman Brinker, chairman and CEO of Brinker International, the founder of the Steak & Ale restaurant chain, and a former chairman of Burger King.
- Berman also operates ActivistCash.com in which he spreads his industry-funded campaign of hate against non-profit groups, like PETA. Hypocritically, however, ActivistCash conceals its own finances from the public, surely because it would be exposed as the mere front group it is.

Center for the Defense of Free Enterprise

- While making defamatory claims about PETA’s entirely open, publicly disclosed finances, CDFE founder Gottlieb is a convicted tax felon who spent ten months in a federal prison.
- According to “The Merchant of Fear,” an article for which Gottlieb reportedly provided some sixteen hours of interviews, Gottlieb and Arnold are closely tied with the following ultra right-wing organizations:
 - * The Second Amendment Foundation and the Citizens’ Committee for the Right to Keep and Bear Arms. These groups opposed federal legislation to outlaw hollow-point, Teflon-coated “Cop Killer” bullets for the protection of law enforcement officers, and the Brady Bill, calling Sarah Brady, whose hus-

band was permanently disabled in the 1981 assassination attempt on President Ronald Reagan, a liar.

- * It has been reported that Gottlieb is, or has been, a member of the board of governors of the ultra-secretive Council for National Policy (CNP), known to be the central leadership network of the far right in the U.S. True to form, CNP membership is secret, but it is reported to include such right-wing stalwarts as former Attorney General Edwin Meese, Holland Coors, Jerry Falwell, Pat Robertson, and Oliver North.
- Gottlieb reportedly showed his true colors in his conduct during the Vietnam War. First, he opposed students protesting against the war at the University of Tennessee. However, he had no intention of fighting and his father pulled strings to get him into the National Guard, where he reportedly served only one weekend per month and an annual two-week training period at a missile site on Long Island. In the height of hypocrisy, in 1969, Gottlieb joined William F. Buckley's Young Americans for Freedom and reportedly organized support for the very war he had no intention to fight in himself.
- During the 1980's Gottlieb had office buildings housing two of his supposedly non-profit front groups transferred into his and his wife's name. Those non-profits then leased the office space from the Gottliebs for about \$4,000 per month. Quite a cozy arrangement for someone ostensibly so concerned about non-profit financial arrangements.
- The so-called "Wise Use" Movement was founded and is sustained primarily by the west's big-four natural resource exploitive industries who are regular contributors to your campaign chest—logging, mining, energy, and ranching, including The American Mining Congress, the National Cattlemen's Association, DuPont, Exxon Co., USA, Louisiana Pacific, Northwest Independent Forest Manufacturers, Willamette Forestry Council, and the Timber Association of California.
- Gottlieb was a director and Arnold was the first president and registered agent of the American Freedom Coalition, a political action group for the Rev. Sun Myung Moon's right-wing extremist views. Moon is the notorious leader of the Unification Church that accords him divine status and who has been quoted as saying he wants to establish a theocratic empire to rule the world.

These few points give a clear picture of the unreliable, biased interests that underlie the CCF's and CDFE's smear campaign against animal and environmental protectionists. In stark contrast, PETA works to expose and end illegal and cruel treatment of animals perpetrated by the industries that exploit other species for profit, fund CCF and CDFE, and want nothing more than to keep the suffering of animals hidden away from the light of public scrutiny.

The February Hearing and the Release of Your Letter of Inquiry

Despite Berman's obvious bias, he was permitted to "testify" at the February hearing by spewing lies and half-truths about PETA. Although his appearance and expected testimony were likely confirmed with the subcommittee staff well in advance, not a single subcommittee member or staff person contacted PETA prior to his appearance to check on the falsity of his allegations. Similarly, PETA's request to appear before the subcommittee was refused when it learned of his expected testimony the day before the hearing. With all due respect to the members of the subcommittee, such conduct undermines the subcommittee's credibility and exemplifies the all too prevalent partisan posturing the citizens of this country hold in such disregard. Fortunately, Congressman Inslee, in the limited manner he was afforded, exposed Berman as the paid mouthpiece of big business that he is.

Regrettably, the first PETA heard of your letter to Ms. Newkirk was from media representatives who confirmed that the letter was already posted on CDFE's web site. It is troubling that the letter was first released to the same industry fear-monger that represents the special interest groups that contribute large amounts to your election committee (see below), rather than to the charity to which the letter is ostensibly addressed. Such tactics are counterproductive to a fair and objective analysis of the facts.

Campaign Contributions to You by Industries Opposed to PETA

Consistent with its protection and aggressive exercise of its own freedom of speech, PETA supports the right of every person or organization to contribute funds to the political party or candidate of their choosing (although PETA does not engage in such conduct as a non-profit organization). However, PETA also believes that the public has a right to be told about such contributions on the public record during Congressional hearings when the interests of those donors are directly implicated in those hearings. Sadly, that did not happen in this case.

A review of political action committee (PAC) contributors to your campaign during the 1999–2000 and 2000–2001 election cycles, as disclosed in Federal Election Commission reports, reads like a “Who’s Who” of corporate special interests opposed to animal and environmental protectionists, or that fund the CCF and CDFE, including the following:

American Forest and Paper Association, American Meat Institute, Anheuser–Busch, Ashland, Associated Builders and Contractors, Associated General Contractors of America, Association of Commercial Real Estate Development, Association of American Railroads, Aventis Pasteur, Beef–PAC (Beef PAC of Texas Cattle Breeders Association), BP Corporation of North America, Brinker International (see discussion above regarding ties to CCF, Berman, and other animal exploitive interests), Bristol–Myers Squibb, Burlington Northern Santa Fe RailPAC, Chevron Texaco, Chicago Mercantile Exchange, Conagra Foods, Cyprus Amax Minerals, Dairy Farmers of America, DuPont, EnPAC (KN Energy), Enron (see below), Exxon Mobil, Food Marketing Institute, General Electric, Ice Cream, Milk & Cheese PAC, Johns Manville, Louisiana Pacific, Marathon Oil, Merck, MinePAC (National Mining Association), National Beer Wholesalers, National Cattlemen’s Beef Association, National Restaurant Association, Newmont Mining Corporation, NRA, Peabody Energy, Pfizer, Philip Morris, PAC by Coors Employees, RAG American Coal Holding, Safari Club International, Safeway, SmithKline Beecham, Southern Company, Suiza Foods, Sunbelt (Winn–Dixie stores), Union Pacific, Vermont Yankee Nuclear Power, Warner–Lambert, and Zeneca.

These contributions, totaling hundreds of thousands of dollars, were not disclosed on the record of the February hearing so far as PETA is aware. Even if current congressional rules do not require it, fairness dictates such disclosures so the public can see the source and amount of contributions from people or industries having an interest in the subcommittee’s business.

In addition, you received five contributions totaling \$3,000, twice the amount of PETA’s proper donation discussed below, from executives of a company called Vail & Associates, including a man named Porter Wharton. One of the witnesses who appeared at the February hearing was Porter Wharton III, Senior Vice President of Public Affairs for Vail Resorts, Inc. The apparent connection between Porter Wharton the donor and Porter Wharton III the witness was not disclosed or discussed on the hearing’s public record. Confirmation of whether the two Mr. Whartons are the same person, or if they are related in any way, and the relationship between Vail & Associates (for whom your donors work), and Vail Resorts, Inc. who employs Mr. Wharton III seems warranted.

Your Enron Contributions

According to Colorado’s own The Daily Camera, since 1993 you have received political contributions totaling \$6,000 from Enron. Enron’s recent bankruptcy has left its employees’ retirement plans in ruin, and has disclosed the extreme riches enjoyed by its executives while the company was heading for disaster. As The Daily Camera correctly stated on March 8th regarding these contributions:

It is no more fair to suggest that PETA supports eco-terror than it is to imply that [Congressman] McInnis profits from corporate terror. When he stops grandstanding, maybe [Congressman] McInnis will admit this.

PETA’s Expenditures in Defense of Liberty

On very rare occasions during its two decades of operation, PETA has proudly provided financial assistance to help protect the fundamental constitutional rights of people targeted by grand juries or accused of actions relating to animals. Each of those instances has been widely reported and disclosed in PETA’s publicly available financial reports. In this country, every person is presumed innocent and has the right to effective assistance of counsel and a fair trial, no matter what the allegations are against them. Likewise, individual citizens targeted by grand jury investigations are entitled to legal representation. It is simply wrong and inexcusable for anyone to suggest that such assistance in any way constitutes support for the underlying actions with which they were charged, subsequently convicted, or which were the subject of investigation.

Protection of those freedoms is entirely consistent with PETA’s charitable animal protection mission when the issues involved concern the treatment of animals in our society. Such assistance plays an important role in helping to ensure that people speaking out to expose animal abuse will not be chilled in exercising their equally fundamental rights to free speech and free association. Without those rights, real social change for the protection of animals, or any other purpose, will be stifled. The animal protection movement is merely the latest social change movement to face

such opposition from the multi-billion dollar special interests arrayed against it. PETA will not be deterred in its mission.

The case of Rodney Coronado is an appropriate example of PETA's defense of constitutionally-guaranteed rights. PETA knew Mr. Coronado to be a dedicated Native-American activist, as well as an animal protection advocate and a committed teacher in the Native American community. Following his arrest, PETA provided financial assistance for his legal defense, including a loan to his father in the amount of \$25,000 to assist in posting bond pending his trial (Mr. Coronado fully honored his bail, properly appearing for every required court appearance), and payment of his legal fees. Contrary to Berman's testimony at the February hearing and erroneous published reports, the \$25,000 loan was repaid to PETA in full.

The case of Roger Troen is equally illuminating. According to published reports, in 1986, Mr. Troen was a 56 year-old Air Force veteran and former elementary school teacher known for his compassion toward animals in his Bellevue, Washington community. One night he received an anonymous telephone call asking him to care for two rabbits badly in need of a home. Rather than turn his back on the animals, he took the animals in, no questions asked. A few weeks later, the veterinarian to whom Mr. Troen had taken the animals for treatment led police to him. It turned out that the animals had been removed from the horrific University of Oregon (U.O.) testing laboratory.

PETA agreed to pay Mr. Troen's legal fees, which resulted in the exposure of the torture and suffering perpetrated against these animals by so-called "scientists." His trial disclosed that two U.O. experimental psychologists, Richard Marrocco and Barbara Gordon-Lickey, neither of whom had any medical or veterinary training, and their unsupervised students, performed complicated surgeries on improperly anesthetized animals in taxpayer-funded experiments. Gordon-Lickey sewed kittens' eyes shut, rotated kittens' eyeballs in their heads, and made them perform feats like jumping from a high platform into a pan of water. Marrocco played with the vision of macaques who had electrodes implanted into their skulls. Their work had no established link whatsoever to human health. Their colleague, Gregory Stickrod, who also had no medical or veterinary training, performed surgeries on pregnant rats and other animals as part of his own psychology experiments. For his own amusement, Stickrod terrorized a baby monkey, while casually smoking a cigarette and drinking a beer, and kept a photograph of the episode along with his training slides. Incredibly, Stickrod was the director of animal care for all of U.O. Not surprisingly, the trial exposed U.O.'s failure to provide even basic veterinary care for the 20,000 animals on its campus. The judge presiding over the trial, and an U.O. alum, expressed his disgust and embarrassment at being associated with the University.

Had PETA not provided funds for Mr. Troen's defense, none of these startling revelations would ever have come to light. The animals simply would have continued to suffer at the hands of their torturers, and their cries would have gone unheard. For merely receiving the animals, and despite his compassion in caring for animals removed from that living hell, Mr. Troen was fined \$34,900 and given five years' probation. PETA never paid a single penny of that fine.

As disclosed in its public tax returns, PETA also assists hundreds of organizations and individuals around the world in their efforts to educate people about the plight of animals. Each of those donations is identified in PETA's reports as being made to "support their program activities;" that is, their lawful, charitable, animal protection program activities. It was in furtherance of this mission that PETA lawfully and properly gave \$1,500 to the North American Earth Liberation Front Press Office.

In April 2001, PETA sent a check in the amount of \$1,500.00 to the North American Earth Liberation Front Press Office to assist Craig Rosebraugh with legal expenses related to free speech activities regarding animal protection issues. Mr. Rosebraugh is known in the animal protection community for his legal, educational work fighting horrifying and cruel experiments on primates in Oregon. The check was made payable to "North American Earth Liberation Front, C Rosebraugh." The endorsement signature on the cancelled check appears to be that of "Craig Rosebraugh," although I am not familiar with his signature. PETA has provided no other funds to the North American Earth Liberation Front Press Office.

PETA has no involvement with the ALF or ELF direct actions

PETA has no involvement with or connection to Animal Liberation Front (ALF) or Earth Liberation Front (ELF) actions. PETA does not provide any funds to the ALF, ELF, or any person or organization for use in any ALF or ELF direct action. In fact, according to the Federal Bureau of Investigation, it is unknown whether any such "organizations" exist to which funds could be provided. Contrary to incorrect published reports, PETA does not and will not pay any criminal fines assessed against any person.

PETA believes that ALF and ELF actions occur when so-called “proper channels” of change are effectively blocked by people with vested interests and even moderate legislation is stalled by those profiteers. As President John F. Kennedy said so eloquently forty years ago, “Those who make peaceful revolution impossible will make violent revolution inevitable.” PETA urges Congress to pass meaningful, enforceable legislation to stop the abject cruelty perpetrated against animals every day in this country.

Conclusion

It is unfortunate, but all too predictable, that the 21st century still finds social change movements and organizations like PETA and so many others subjected to defamatory attacks by industries that exploit those weaker than themselves for financial gain. Undoubtedly, the agents of this new “McCarthyism” will be viewed with the same revulsion expressed for the original. It is PETA’s fervent hope, for the welfare of this nation, that such tactics, whether launched from the right or the left, will be relegated to history’s trash heap, for they have no place in any rational vision of this nation’s future.

I trust this letter addresses your inquiries. Thank you again for the opportunity to respond to your inquiries and for your consideration.

Very truly yours,

Jeffrey S. Kerr
General Counsel and
Director of Corporate Affairs
PETA Foundation

cc: Members
U.S. House of Representatives
Committee on Resources
Subcommittee on Forests and Forest Health
Commissioner Charles O. Rossotti
Internal Revenue Service

[The statement submitted for the record by Mr. Nichols follows:]

Statement of Nick Nichols, Chairman and Chief Executive Officer, Nichols-Dezenhall Communications Management Group, submitted for the record

Introduction

Mr. Chairman and Members of the Subcommittee, my name is Nick Nichols. I am the Chairman and Chief Executive Officer of Nichols—Dezenhall Communications Management Group, headquartered in Washington, D.C. Thank you for giving me the opportunity to submit testimony to the Subcommittee. I speak in two capacities: as an author of a recently published book dealing with attacks by eco-terrorists, animal rights terrorists, and others on America’s free enterprise system and American corporations; and as the chairman of a crisis management firm that has helped corporations and individuals respond to attacks, including violent terrorist acts.

My testimony today is designed to deliver one central message: Congress and the Executive branch should investigate and prosecute eco-and animal rights terrorism with the same vigor and intensity as directed against foreign terrorists. This is a matter of homeland security. I hope I can be helpful to the Subcommittee in casting light on the seriousness of these attacks by domestic terrorists, and on the need for action by our government to protect the safety, the jobs and the way of life of the American people.

I have spent years studying environmental and animal rights terrorists because I came to the conclusion, long before September 11, that these domestic terrorists posed a serious and growing danger to our nation. September 11 only strengthened my belief that if we don’t act to stop our home-grown terrorists they will follow in the footsteps of their more deadly counterparts from abroad, escalating their activities and moving beyond crimes that destroy property to crimes that destroy human lives.

Terrorism Is Not Free Speech

We can all agree that the First Amendment to the Constitution is the foundation of our freedom and democracy, and is the basis of our long and proud tradition of peaceful protest, free speech and a free press. If someone wants to advocate, raise funds, and campaign peacefully to demand that we never cut down a single tree,

never kill a single animal and never drill for a drop of oil, I will tell you that the person is advocating nonsense—but I “ll defend his or her right to do so. But when extremists use the First Amendment as a cloak to break the law, commit violent acts and terrorize others—no matter how noble their justification—they become criminals and terrorists. Breaking into university research labs to release animals being used for medical research, burning down buildings, vandalizing a facility for sick children and their families, driving spikes into trees and injuring loggers, and setting bombs in truck dealerships are not protest actions protected by the First Amendment—they are terrorist acts.

The Patriot Act of 2001 defines terrorism in great detail. More broadly, the FBI defines terrorism as “the unlawful use of force and violence against persons or property to intimidate or coerce—the government or civilian population. I use the same definitions. I don’t use the term “terrorist—lightly, or as some kind of broad brush attack on the majority of environmentalists or advocates of animal rights. Millions of people—myself among them—are sincere advocates of protecting our environment, and differ peacefully on what actions are needed and how much governmental regulation is required to accomplish that goal. People can have an honest and non-violent debate over whether we should halt medical research on animals that is being conducted to find cures for cancer, heart disease, AIDS, and many other illnesses. But when someone goes beyond words and advocacy and moves on to violence and threats of violence, that person becomes a terrorist. These terrorists are a small minority of people concerned with the environment and with the welfare of animals, just as the terrorists of al Qaeda are a small minority of the world’s Muslims. But ignoring these dangerous people can be a fatal mistake. As we saw on September 11, a small group of terrorists can cause an enormous amount of death and destruction.

For too long, eco-and animals rights terrorists have been portrayed in the media as warm-hearted, well-meaning folks who are dedicated to good causes like preserving and cleaning up the environment, protecting public health, preventing cruelty to animals, and ensuring that corporations and the government operate in a responsible manner that benefits society. The prevailing wisdom has gone like this: perhaps a few of these sincere people—motivated only by the public interest—get a bit overenthusiastic at times. But they mean well, and the best way to deal with them is to give in to as many of their demands as possible—even when the demands have no basis in sound science, economics or social policy. But that prevailing wisdom is about as accurate as the view that Osama bin Laden is a sweet and loving man of God, and the al Qaeda and the Taliban are peaceful religious scholars seeking to establish a utopian society.

Eco-and animal rights terrorists, along with the foreign terrorists of al Qaeda, have a lot in common. All are certain that they are morally superior to their opponents and are fighting for virtuous goals that justify criminal conduct. All are disdainful of fundamental American values, including the rule of law, private property rights, free enterprise and democracy. All operate in cells or “ sleeper—groups, which makes detection very difficult. All operate globally. And many receive encouragement, support and funding from groups that are perceived to be legitimate charities.

In the United States, charitable groups classified as 501 (c)(3) groups under the tax code benefit from taxpayer subsidies, government grants and foundation philanthropy. This classification can bring enormous financial benefit to extremist groups. For example, Mike Roselle, the co-founder of the radical group Earth First!, which has been linked to and has taken credit for many acts of violence, has served on the boards of Greenpeace and the Rainforest Action Network. He also founded the Ruckus Society, which has organized so-called boot camps that have trained protesters to engage in “direct action—demonstrations at events that have turned violent, including the World Trade Organization meeting in Seattle. The Ruckus Society is a tax-exempt, 501 (c)(3), organization that has received funding from the Turner Foundation and is, in effect, subsidized by U.S. taxpayers.

Examples of Domestic Terrorism

No one has compiled a complete list of eco-and animal rights terrorist attacks, since these incidents are usually handled by local law enforcement authorities. But to illustrate the seriousness of this problem, let me give you a few examples:

- One of the most active eco-terrorist groups—the Earth Liberation Front (ELF)—boasts on its website “www.earthliberationfront.com—that “in North America alone since 1997, the ELF has caused over \$40 million in damages—in its attacks. ELF says proudly that it is responsible for a \$12 million arson at a Vail, Colorado ski resort; a \$1 million arson at the Boise Cascade lumber company in Monmouth, Oregon; a \$5.4 million fire last year at the University of Washington’s Center for Urban Horticulture in Seattle; a fire that destroyed a U.S.

Forest Service Ranger Station in Eugene, Oregon; a \$700,000 arson at a cotton gin in Visalia, California; a fire at a federally owned wild horse barn in Susanville, California; a \$1 million fire at a meat-packing plant in Redmond, Oregon; a fire in January at a University of Minnesota greenhouse in St. Paul; a \$1.5 million fire at a U.S. Department of Agriculture facility in Olympia, Washington; plus the burning of homes, sport utility vehicles, logging trucks and many buildings around the country. ELF's website even carries a "helpful—instructional manual for terrorists titled: : "Setting Fires With Electrical Timers—an Earth Liberation Front Guide.—The FBI considers ELF one of the nation's leading domestic terrorist threats.

- A Year-End Direct Action Report for 2001 issued by the Animal Liberation Front (ALF) states that ALF, ELF and their sympathizers committed at least "137 illegal direct actions in North America in 2001.—ALF claims responsibility for attacking 10 fur stores, seven bank offices, 13 fast food restaurants, five research labs, four animal breeders, four meat stores, and numerous other targets. ALF is classified by the FBI as a terrorist organization. The group even took credit on September 11 for torching a McDonald's restaurant in Tucson, Arizona, causing about \$500,000 damage. The attackers announced: "This action is meant to serve as a warning to corporations worldwide: You will never be safe from the people you oppress.—Less than two weeks later, attackers spray-painted swastikas, obscenities, and the initials ALF and ELF on a Ronald McDonald House in Tucson. Ronald McDonald Houses are charitable facilities that provide over 3,000 rooms in 19 countries to house families of children hospitalized nearby with serious illnesses.

- Animal rights terrorists have "liberated—thousands of animals from fur farms and medical research labs, including university facilities, in recent years. Encouraging these efforts, Ingrid Newkirk, President of People for the Ethical Treatment of Animals, said at the National Animal Rights Convention in 1997: "I wish we all would get up and go into the labs and take the animals out or burn them down.—Most of the "liberated—animals have wound up as road kill or have died of starvation. People will die as well, because the terrorists have set back medical research designed to find life-saving cures for deadly diseases.

Thankfully, nothing these domestic terrorists have done even comes close to the terrible toll of death and destruction caused by the hijackers who flew airliners into the World Trade Center, the Pentagon and rural Pennsylvania. But home-grown terrorism has caused plenty of harm. Authorities fear it is only a matter of time before fires set by these terrorists destroy lives as well as property—either as accidental "collateral damage,—or in a deliberate escalation of violence.

Firebombs don't check for innocent bystanders before going off, and it's a wonder that more injuries and even deaths have not taken place in eco-and animal rights terrorist attacks. In one incident, unidentified animal rights terrorists mailed razor-rigged letters, designed to cut fingers, to fur industry officials and scientists conducting experiments with animals in 1999—hardly a non-violent action. In another, law enforcement officials in Houghton, Michigan disarmed two bombs at Michigan Tech University last November—and said students walking nearby could have been maimed or killed if the bombs had gone off. Injuries were also averted when eco-terrorists attacked a car dealership in Eugene, Oregon and set up jugs of camp fuel and gasoline around a fuel truck belonging to an oil company. Fortunately, the effort to start a massive and potentially deadly explosion failed. Arsonists later destroyed 30 sport-utility vehicles in a blaze at the dealership.

Imagine what would have happened if—on September 10—someone had testified before Congress that Osama bin Laden was on the verge of murdering thousands of Americans, causing billions of dollars in property damage, plunging the United States into war, and forcing our country to spend billions of dollars in extra funds on homeland security. Most people would have called this person an alarmist at best—or just plain crazy at worst. A lot of people probably have the same reaction to warnings like those I am giving you today about eco-terrorists and animal rights terrorists. But my warnings aren't based on alarmism or hysteria. They are based on the record of domestic terrorism that these groups have built up so far, and the fact that many of these groups are promising to escalate their activities in the future.

Surrender Is Not a Winning Strategy

Capitulation counselors have been telling us for years to pursue surrender to terrorist groups as a winning strategy, just as Neville Chamberlain told the world in 1938 that appeasement was a winning strategy to deal with Adolf Hitler. In our own country, we have been advised to give in to nonsensical radical demands by eco-and animal rights fanatics that would cost families and government huge sums of

money, would condemn millions of people to death by interfering with vital medical research on animals, and would prevent advances in agriculture that could save millions of people from starvation. On the foreign front, we have been advised to understand the “root causes—of terrorism, and work to “tell our story better—and empathize with poor and oppressed people struggling for dignity, self-determination and the right to follow their religious beliefs. Like flight attendants before September 11, we have been told that by being passive and cooperative with our attackers at home and abroad, we could persuade them to put down their weapons and do us no harm.

Unfortunately for thousands of innocent people, the well-meaning strategy of passivity made September 11 their last day on earth. And just as this strategy failed on September 11 with al Qaeda terrorists, it is a failure when dealing with eco-and animal rights terrorists. A much better strategy is to acknowledge the threat we face and say “let’s roll.”

Winston Churchill, who succeeded Chamberlain as Prime Minister and fought Hitler ferociously, was right when he said: “An appeaser is one who feeds a crocodile, hoping it will eat him last.—The fact is that when criminals and terrorists enjoy success and go unchallenged they grow stronger, become even more contemptuous of the rule of law, and commit ever more damaging crimes and acts of terror. Appeasement encouraged Hitler to become more aggressive and dangerous, and led to World War II and the Holocaust. In the same way, toleration of previous terror attacks only strengthened Osama bin Laden and his followers, emboldening them to carry out the atrocities of September 11. And now appeasement of eco-and animal rights terrorists is only encouraging them to become more violent and more dangerous.

President Bush Has Shown Us How To Deal With Terrorists

The vast majority of Americans and the vast majority of Members of Congress, regardless of political party, stand solidly behind President Bush in his tough, principled and effective response to terrorism from abroad. Like millions of other Americans, I “m grateful to see the bipartisan unity and patriotism sweeping across our nation and strengthening our homeland security. Unfortunately, even as our nation is at war with al Qaeda and other foreign terror groups, eco-and animal rights terrorists in our country continue to wage their own war against America.

Former ELF spokesman Craig Rosebraugh, who was subpoenaed to appear at today’s hearing by this Subcommittee, issued a statement November 1 saying he would not cooperate with Congress in its “attempts—to stop the work of the brave, heroic, individuals in the ELF who are trying to end the destruction of life.—Mr. Rosebraugh said in the statement: “In light of the events of September 11, my country has told me that I should not cooperate with terrorists. I therefore am refusing to cooperate with members of Congress who are some of the most extreme terrorists in history. Currently they are responsible for allowing the slaughter of now over an estimated 1, 500 Afghanistan civilians. They are responsible for the Sept. 11 attacks due to horrendous U.S. foreign policies of imperialism and they are responsible for the current ongoing genocide against the innocent people of Afghanistan.”

ALF said in its 2001 annual report: “Since Sept. 11 there has been no ceasing of animal abuse, animal torture, and animal killing. The destruction of our natural environment in the name of progress or development and greed hasn’t stopped. In the face of this continuous onslaught it would be irresponsible for animal and earth warriors to abandon their campaigns and actions at this time. In fact, it is imperative that direct action activists continue, and indeed step up their actions in this late hour on our planet.”

I have nothing against reasonable compromise with reasonable people. But the conduct and statements of ELF, ALF, and similar extremist groups shows they are unwilling to make reasonable compromises. Trying to negotiate and compromise with them today would make as much sense as negotiating and compromising with Osama bin Laden.

After September 11, President Bush didn’t call for dialogue, sympathy and empathy with the butchers of al Qaeda and the Taliban. And he didn’t call for surrender to bin Laden’s wild demands. Instead, President Bush made some sensible and non-negotiable demands of his own. When those demands were rejected, the United States responded with military action. Of course, I don “t advocate—and don “t know of anyone who advocates—sending bombers and Special Forces after the eco-and animal rights terrorists in our midst. But we should send police and prosecutors. Our laws must be enforced and action must be taken to protect America against a domestic terrorist assault that has already caused tens of millions of dollars in property damages, forced institutions to spend precious funds on increased security, and threatens to cause more injuries and even deaths in the future.

Suggestions For Congress And The Executive Branch

I respectfully submit the following suggestions for Subcommittee consideration to protect our nation against eco-and animal rights terrorists:

- 1) Create a clearinghouse within the FBI for the collection of information about eco-terrorist and animal rights terrorist events. Historically, many of these terrorist incidents have been investigated by local law enforcement. There's nothing inappropriate about that, but there has been no centralization of information about these incidents. This may have compromised law enforcement's ability to follow the trail of these extremists. Terrorists move around, frequently crossing state and municipal lines. Authorities in one jurisdiction need to know about suspects and activities in other jurisdictions.
- 2) Review and consider tightening the criteria for the distribution of government grants to non-profit organizations. New criteria could require grant recipients to be completely transparent about their operations, policies and financial transactions. This would enable donors, the public and the authorities to know if money contributed for ostensibly good causes was really being used for crime and terrorism.
- 3) Review and consider tightening and clarifying the criteria for granting tax-exempt status [501 (c)(3)] to organizations seeking that privilege. New criteria could require the recipients of 501 (c)(3) status to be completely transparent about their operations, policies, financial transactions, advocacy and lobbying activity. It is perfectly reasonable to require more public disclosure before granting the valuable privilege of a tax exemption.
- 4) Review and consider further clarifying the statutory definition of terrorism to include actions designed to intimidate individuals through the explicit or implicit threat of violence and/or property destruction. Historically, animal rights and eco-terrorist organizations have published the names, photos, home addresses and telephone numbers of targeted individuals, such as corporate executives, researchers and scientists. The groups have encouraged their followers to harass, intimidate, and attack these individuals, their family members and/or their property. Unabomber Theodore Kaczynski testified in court that he targeted and subsequently killed one of his victims because the individual's name appeared on a hit list put out by the group Earth First!

Conclusion

Our home-grown terrorists detest America's businesses, our free enterprise system, our environmental policies, our use of animals for food and medical research, our judicial system, our elected officials, and many other American institutions and values. They use arson and other weapons to wage war against our economy and our freedom. They think they are heroes and crusaders for justice, just as the September 11 hijackers thought of themselves in this way.

But terrorism is terrorism, not heroism, no matter how noble the cause in the terrorist's fanatical mind. Just as President Bush has responded to Osama bin Laden by saying his brand of murderous terrorism is intolerable, our government must tell law-breaking eco-terrorists and animal rights terrorists that their brand of fiery terrorism is intolerable as well. Our laws need to be enforced fairly and without prejudice against anyone who breaks them, regardless of the cause the lawbreakers espouse. These include local laws against crimes like trespassing, vandalism and malicious mischief. Too often, law enforcement ignores these infractions—encouraging violators to escalate their activities. When someone commits such violations, or moves on to burning down buildings and more serious crime, he or she should be punished whether the burning was in support of ELF, ALF, the Nazi Party, al Qaeda, the Boy Scouts, the Red Cross, the American Cancer Society or any religious group. The worthiness of the cause in the mind of the criminal should be irrelevant.

For too many years, the United States failed to devote the necessary attention and dedicate the necessary resources to fighting terrorism originating abroad. We shouldn't make the same mistake when fighting the home-grown variety. We can't afford to let our inaction today give American terrorists the green light to escalate their terror tactics to horrifying proportions tomorrow.

Once again, Mr. Chairman and Members of the Subcommittee, I thank you for giving me this opportunity to submit this testimony.

